



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Initial periodic reports of States parties due in 2007

Bahrain*

[Date received: 2 March 2017]

* The present document is being issued without formal editing.



I. Introduction

1. The Kingdom of Bahrain acceded to the International Covenant on Civil and Political Rights in 2006, pursuant to Act No. 56, issued on 20 September 2006. The Covenant entered into force on 12 August 2012.
2. On acceding to the Covenant, Bahrain declared that:
 - (a) Bahrain would comply with Articles 3, 18 and 23 of the Covenant in as far as they were in compliance with the provisions of Article 2 and Article 5 (b) of the Constitution;¹
 - (b) Bahrain interpreted Article 9, paragraph 5, of the Covenant as not detracting from its right to establish the basis and rules for obtaining the compensation stipulated in that paragraph;²
 - (c) Bahrain would comply with article 14, paragraph 7, of the Covenant in as far as it was in compliance with the provisions of Article 10 of the Criminal Code promulgated in Legislative Decree No. 15 of 1976.³
3. Article 4, paragraph 1, of the Covenant stipulates that the States parties shall undertake to submit reports on the measures they have adopted which give effect to the rights recognized therein and on the progress made in the enjoyment of those rights within one year of the entry into force of the Covenant for the States parties concerned.
4. The Kingdom of Bahrain has the honour to submit to the Secretary-General of the United Nations its initial report, which it respectfully requests to be transmitted to the Human Rights Committee.
5. The delay in the submission of the initial report beyond the established submission date was due to numerous factors, including logistical and capacity building issues.

Methodology and process for preparing the report

6. The present report was prepared by the High Coordinating Committee for Human Rights,⁴ which is chaired by the Minister for Foreign Affairs, acting through a Foreign Ministry working group. The Committee endeavours to study issues relating to the protection and promotion of human rights and is tasked with collaborating with Government authorities in all matters relating to human rights issues, in accordance with the remit of each authority.
7. In its preparation of the initial report, the High Coordinating Committee contacted and held consultations with relevant authorities and bodies to obtain required data and learn about the difficulties and challenges they faced, as well as ongoing and future actions to address those challenges. The High Coordinating Committee also held consultations with the National Institution for Human Rights and with relevant human rights and professional institutions within civil society with a view to learning their views on all issues and their observations on the initial report, so that these could be taken into consideration.
8. The present report considers each article of the Covenant, the key measures adopted within the context of each article and progress achieved in that regard. With a view to respecting the word limit established for the present report, every effort has been exerted to ensure that it is as brief as possible; attention is also drawn to the information contained in the annexes at the end of the report.

¹ Act No. 56 of 2006, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K5606.pdf>.

² Act No. 56 of 2006, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K5606.pdf>.

³ Act No. 56 of 2006, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K5606.pdf>.

⁴ Decision No. 50 of 2012 on the establishment and formation of the High Coordinating Committee for Human Rights, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/RCAB5012.pdf>.

9. Section II of the report provides some brief background information regarding the Kingdom of Bahrain. We hope that a core document containing key information about Bahrain will be compiled and submitted to the relevant United Nations bodies in the near future.

II. Key Facts

A. Land and population

1. The Land

10. The Kingdom of Bahrain is situated in the Arabian Gulf approximately halfway between the Straits of Hormuz and the Shatt al-Arab estuary. This strategic geographical location has endowed it with considerable importance throughout history since, as one of the principal links between the East and the West, it has always been a major hub of international trade and communications.

11. The Kingdom of Bahrain is an archipelago of 40 islands, which, in 2014, covered a total area of 774.44 km². The largest island is the island of Bahrain, on which the capital, Manama, is situated; that island comprises approximately 79.54 per cent of the country's total land area and is linked by causeways to neighbouring islands, which include Muharraq, Sitra, Umm Na'san and Nabih Salih. The King Fahd Causeway, which opened in November 1986, links Bahrain to the Kingdom of Saudi Arabia.

12. The other large islands of the Bahrain archipelago include the Hawar islands, situated at a distance of 25 km to the south of the main island and covering an area of approximately 52.10 km².

2. Population

13. By virtue of the geographical location of their country, the Bahraini people exhibit distinct and deep-rooted characteristics in keeping with the nature of the commendable qualities that the population of such areas possess, which ensure tranquillity and stability for visitors and persons in transit while, at the same time, facilitating the commercial activity in which the population is primarily engaged.

14. One of the principal distinct characteristics of the Bahraini people is their tolerance, family cohesion, spirit of fraternity and humanity, trustworthiness and honesty in their dealings and the absence of any form of bigotry, segregation or discrimination. As a result, visitors from neighbouring States have always enjoyed stability and a calm and peaceful atmosphere; these characteristics were further strengthened when Bahrain embraced Islam and adopted its lofty principles.

15. The vast majority of Bahrainis are of Arab origin and can trace their descent partly from the successive tribal migrations from the Arabian Peninsula during the pre-Islamic period. Their historical roots go back to the Dilmun civilization during the pre-Christian era, which was followed by numerous other civilizations, including the Tylos, Aradus and Awal civilizations. Bahrain's modern history began in 1783.

16. According to statistics from 2016, the population of Bahrain was 1,423,726, comprising 664,707 Bahrainis and 759,019 non-Bahrainis.

Population by nationality and gender (2012–2013–2014)

Year	Nationality/gender								
	Bahraini			Non-Bahraini			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
2012	305 354	294 275	599 629	455 095	154 240	609 335	760 449	448 515	1 208 964
2013	312 945	301 885	614 830	475 436	162 925	638 361	788 381	464 810	1 253 191

B. The economic situation and human development

17. According to the 2015 Human Development Report, Bahrain ranked forty-fifth globally and fourth among the Gulf States, leading to its inclusion in the very high human development country category, which included the 49 out of 188 countries covered by the report with a Human Development Index of between 0.8 and 1.⁵ Bahrain was also ranked eighteenth globally and first in the Arab world on the basis of criteria relating to economic freedom,⁶ including financial, monetary and trade policies, government consumption of production, capital flows, foreign investments and intellectual property rights.

18. The Government of Bahrain is committed to an ongoing process of strategic planning with a view to developing national policies that are based on unambiguous data regarding the country, including the opportunities before it and the challenges it faces. Through that ongoing planning process, Bahrain is seeking to make the best possible and most effective use of the country's resources in order to foster comprehensive national development.

19. In October 2008, as part of its ongoing efforts to promote development, Bahrain launched the country's Economic Vision 2030, whose guiding principles are sustainability, competitiveness and fairness. Accordingly, the National Economic Strategy for 2015 to 2018 was adopted as a road map for the country's economy and government policy. That Strategy focuses on enhancing government policy coherence and identifying key strategic initiatives to be implemented during the 2015 to 2018 period. It also identifies the authorities to implement those initiatives as well as actions required to ensure their success. The Strategy has contributed to the remarkable progress that has been achieved in the area of comprehensive development.

3. Constitutional and legal framework and the general framework for the protection and promotion of human rights

The Constitution

20. The Kingdom of Bahrain gained its independence in 1971 and a constituent assembly was established in 1972 to draft a constitution for the country. Bahrain's first Constitution, which was promulgated in 1973, prescribed the State's authorities, including the National Assembly, and their relationship with each other.

21. Pursuant to Amiral Decree No. 4 of 26 August 1975, the National Assembly was dissolved, and elections to the Assembly were postponed pending the adoption of a new electoral law. Under that Decree, the Amir of the State of Bahrain and the Cabinet assumed the responsibilities of the legislative authorities.

22. When he came to power on 6 March 1999, His Majesty Hamad bin Isa Al Khalifa launched a programme of reforms. In that connection, he promulgated Amiral Decrees Nos. 36 and 43 of 2000, which established a higher national committee to draft a national action charter that would set forth a general framework to guide future actions by the State in various areas and the roles and constitutional powers of State institutions in that regard.

The National Action Charter

23. A draft national action charter was formulated following a series of open and purposeful discussions with various sectors of society. Citizens were then invited to vote in

⁵ *Human Development Report 2015: Work for Human Development*, United Nations Development Programme, available at: http://www.arabstates.undp.org/content/rbas/en/home/library/huma_development/human-development-report-2015/.

⁶ 2015 Index of Economic Freedom, the Heritage Foundation, available at: http://www.heritage.org/index/pdf/2015/book/index_2015.pdf.

a referendum on the draft charter, which was held on 14 and 15 February 2001, and the referendum result was announced on 15 February, with 98.4 per cent having voted in favour. On the basis of the popular acceptance of the draft charter and the support it had received, as demonstrated by the referendum result, the National Action Charter was ratified by His Majesty the King.

24. The preamble to the National Action Charter underscores the need for a democratic approach with a view to establishing a balanced framework that provides for a constitutionally-based political partnership between the people and the Government, the separation of the three Powers, a strengthened judiciary, and the establishment of the Constitutional Court and financial and administrative oversight chambers. The preamble to the National Action Charter also refers to the adoption of well-established national, political and constitutional principles concerning the identity of the State and affirms that Bahrain is a democratic and constitutional hereditary monarchy in which the ruler serves his people and symbolizes their independent identity and desire for progress. It also refers to the updating of the country's Constitution in order to benefit from the democratic experiences that many nations have gained from widening the scope of popular participation in the burdens of government and administration, particularly those experiences that have demonstrated that bicameral legislative systems allow nations to benefit from the wisdom and knowledge of members of a consultative council, while, at the same time, allowing them to benefit for input from the public as expressed by members of a freely and directly elected council who represent all political trends.

25. The National Action Charter stipulates, *inter alia*, public rights and obligations and underscores the principles of equality and non-discrimination on grounds of gender, origin, language, religion or creed. It also guarantees the political rights of women.

2002 Amendments to the Constitution

26. In accordance with the wishes of the people, who unanimously approved the principles set forth in the National Action Charter, and with a view to creating a better future in which the country and the people enjoy greater prosperity, progress, growth, stability and welfare, the Constitution promulgated on 6 December 1973 was amended to take account of the content of the National Action Charter. The amended Constitution was promulgated on 14 February 2002.⁷

27. Those amendments represent the evolved thinking in Bahrain. They provide for the establishment of a political system based on a constitutional monarchy that relies on consultation, and on participation by the people in the exercise of power, which underpins modern political theory. The King selects knowledgeable persons from among the citizens to form the Consultative Council, and the people choose persons, through elections, to form the Chamber of Deputies. The two Councils jointly implement the wishes of the people in the National Assembly.

28. *Inter alia*, the Constitution provides as follows:

(a) The Kingdom of Bahrain is a fully sovereign, independent, Islamic, Arab State;

(b) The Government of the Kingdom of Bahrain is a hereditary constitutional monarchy;

(c) The system of government in the Kingdom of Bahrain is democratic. Sovereignty resides in the people, the source of all powers. Sovereignty shall be exercised in the manner specified in this Constitution;

(d) The religion of the State is Islam. The Islamic sharia is a principal source of legislation. The official language of the State is Arabic;

⁷ Constitution of the Kingdom of Bahrain, as amended, 2002.

(e) Citizens, both men and women, are entitled to participate in public affairs and to enjoy political rights, including the right to vote and to stand for election, in accordance with this Constitution;

(f) The system of government is based on the separation of the legislative, executive and judicial authorities, which shall cooperate with one another in accordance with the terms of the Constitution and the terms and conditions prescribed by law;

(g) Human rights shall be respected and promoted, in keeping with the humanitarian values and principles enshrined in the National Action Charter. Chapter I of the Charter refers to the fundamental components of society and Chapter II refers to public rights and duties that guarantee the welfare, progress, stability and prosperity of the nation and the people;

(h) Legislative authority is vested in the King and the National Assembly in accordance with the Constitution. Executive authority is vested in the King, together with the Cabinet and the Ministers, and judicial rulings are issued in the King's name, all in accordance with the provisions of the Constitution;

(i) The King is the Head of State and its nominal representative. His person is inviolable. He is the loyal custodian of the religion and the nation and is the symbol of national unity;

(j) The National Assembly consists of two chambers, the Consultative Council and the Chamber of Deputies. The Consultative Council consists of 40 members appointed by Royal Order. The Chamber of Deputies consists of 40 members elected by direct, secret and universal suffrage. No law may be enacted unless it has been approved by both the Consultative Council and the Chamber of Deputies, or the National Assembly, as the case may be, and has been ratified by His Majesty the King. The members of the Chamber of Deputies were elected on 24 October 2002. Royal Decree No. 41 of 2002, establishing the Consultative Council, was issued on 16 November 2002. On 14 December 2002, both the Consultative Council and the Chamber of Deputies were invited to attend the opening of the National Assembly's first legislative session;

(k) The Cabinet looks after the interests of the State. It formulates general Government policy, assures the implementation thereof, and oversees the running of Government;

(l) The law guarantees the independence of the judiciary;

(m) The right to litigation shall be guaranteed to all on an equal basis and without discrimination on grounds of race, gender or religion;

(n) The Constitutional Court, established on 14 September 2002 pursuant to Legislative Decree No. 27 of 2002, verifies the constitutionality of laws and regulations. The Constitutional Court is an independent body that operates autonomously.

The National Consensus Dialogue and the 2014 Amendments to the Constitution

29. His Majesty the King invited the executive and legislative authorities to convene a national consensus dialogue without preconditions; the National Consensus Dialogue, which was held in July 2011 and attended by various sectors of society, reached consensus on a number of issues, including amendments to the Constitution. On 15 February 2012, in accordance with his powers, the King proposed to the Chamber of Deputies and the Consultative Council that a number of constitutional amendments should be enacted on the basis of the outcomes on which consensus had been reached by the National Consensus Dialogue. The constitutional amendments included the following:

(a) After taking into consideration the views of the President of the Consultative Council, the President of the Chamber of Deputies, and the President of the Constitutional Court, the King may dissolve the Chamber of Deputies by issuing a decree stating the reasons for the dissolution of that Chamber. The Chamber of Deputies may not be dissolved again for the same reasons;

(b) The Consultative Council consists of 40 members appointed by Royal Order in accordance with the procedures, rules and method prescribed by a Royal Order;

(c) Upon a request signed by at least five members of the Chamber of Deputies, any Minister may be questioned regarding matters within his purview;

(d) That interpellation must be conducted in accordance with the terms and conditions established by rules of procedure of the Chamber of Deputies;

(e) The questioning shall take place in the Chamber, unless a majority of its members decides to conduct the questioning in a competent committee. This shall occur at least eight days after the date the request was submitted, unless the minister requests the questioning to be expedited;

(f) The questioning may lead to the Chamber of Deputies holding a vote of confidence in the minister, in accordance with the provisions of Article 66 of the Constitution;

(g) If, by a majority of two thirds of its members, the Chamber of Deputies decides that it is unable to cooperate with the Prime Minister, that matter shall be reviewed by the King, who shall decide whether the Prime Minister should be removed from his post and a new cabinet appointed, or whether Chamber of Deputies should be dissolved;

(h) The President of the Chamber of Deputies presides over meetings of the National Assembly, and in his absence the President of the Consultative Council shall take his place, followed by the First Deputy of the President of the Chamber of Deputies, followed by the First Deputy of the President of the Consultative Council.

Laws

30. In line with the Constitution, Bahrain has promulgated numerous laws that protect and promote respect for human rights. Those laws include:

(a) The Social and Cultural Associations and Clubs, Private Youth and Sports Organizations and Private Institutions Act, issued by Legislative Decree No. 21 of 1989 and its subsequent amendments;

(b) The Private Sector Employment Act (Act No. 36 of 2012), which addresses a number of issues, including employment contracts, protection of wages, end-of-service benefits, the right to annual leave, exemption from litigation costs and individual and collective labour dispute settlement procedures;⁸ the Act deals with domestic work issues in several of its provisions;

(c) Legislative Decree No. 23 of 2013, amending certain provisions of Legislative Decree No. 17 of 1976 on juveniles;⁹

(d) Act No. 17 of 2015 on Protection from Domestic Violence;¹⁰

(e) Act No. 52 of 2015, amending the definition of torture provided in articles 208 and 232 of the Penal Code;¹¹

(f) Act No. 13 of 2016 amending certain provisions of Act No. 26 of 2005 on political associations.¹²

Government programmes and policies

31. In the light of the above, the programmes and policies of the Government aim to ensure that development projects are based on a human rights approach. In that regard, the Government work programme for 2015 to 2018, entitled "Towards the justice, security and

⁸ Text of the Act available at: <http://www.legalaffairs.gov.bh/LegislationSearchDetails.aspx?id=30499>.

⁹ Text of the Decree available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K1715.pdf>.

¹⁰ Text of the Act available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K5212.pdf>.

¹¹ Text of the Act available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K1316.pdf>.

¹² <http://www.legalaffairs.gov.bh/Media/LegalPDF/RCAB1714.pdf>.

well-being of society”, endeavours to protect the democratic political system by promoting comprehensive development, strengthening Bahrain’s relations with other countries, enhancing the country’s defence and security capacities, combating terrorism, tackling the root causes of terrorism, fighting all forms of extremism, strengthening the role of the Committee against Hatred and Sectarianism, promoting the adoption of policies, curriculums and programmes to combat hate speech, strengthening the cohesion of Bahraini society, addressing all forms of lawlessness and all actions undertaken to harm the homeland, and creating an environment that is conducive to the work of national political, trades union, human rights and professional associations with a view to strengthening their role and safeguarding them from sectarian or group-based polarization.

Dialogue and Transparency

32. Underscoring the openness of Bahraini society and Bahrain’s adherence to the principles of the rule of law and good governance, His Majesty the King launched two initiatives that reflect the transparency of Bahrain’s political system and the wise vision adopted by its leadership when the country was subjected to acts of violence and when clashes erupted with the police in February and March 2011. Those initiatives were:

(a) The establishment of the Independent Commission of Inquiry: this independent royal commission was established to investigate and report on the events that took place in Bahrain in February and March 2011 and the consequences of those events, and make appropriate recommendations in that regard. The Independent Commission comprised prominent, internationally renowned individuals whose expertise and integrity were universally acknowledged;

(b) The National Consensus Dialogue and amendments to the Constitution: His Majesty the King invited the executive and legislative authorities to convene a national consensus dialogue without preconditions; the National Consensus Dialogue, which was held in July 2011 and attended by various sectors of society, issued opinions on a number of issues, including opinions relating to the 2014 amendments to the Constitution, as discussed above.

Bahrain’s international human rights commitments

33. Besides its adoption of the National Action Charter, the Constitution and relevant laws, Bahrain’s has acceded to the following key human rights instruments:

- (a) International Covenant on Civil and Political Rights (2006);
- (b) International Covenant on Economic, Social and Cultural Rights (2007);
- (c) Convention on the Elimination of All Forms of Discrimination against Women (2002);
- (d) Convention on the Rights of Persons with Disabilities (2011);
- (e) Convention on the Rights of the Child (1992); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2004); Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2004);
- (f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1998);
- (g) International Convention on the Elimination of All Forms of Racial Discrimination (1990);
- (h) A number of conventions of the International Labour Organization and the World Health Organization and a convention of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- (i) Arab Charter on Human Rights.

The role of national institutions and civil society in protecting and promoting respect for human rights

34. Besides taking action through its legislative, executive and judicial authorities, Bahrain believes that national institutions and civil society organizations play an important role in upholding and promoting respect for human rights. These include the following:

(a) The Supreme Council for Women, which was established pursuant to Amiral Order No. 44 of 2001, is an independent body with legal personality under the direct stewardship of Council of the King of Bahrain. It serves as a reference regarding women's affairs for all official agencies and expresses opinions and makes decisions on matters directly or indirectly concerning the status of women. All official agencies are obliged to take into consideration the views of the Supreme Council before taking any action in that regard. The Supreme Council comprises 16 female members, who are public personalities, have expertise in women's affairs in various fields and represent all sections of Bahraini society. Pursuant to a royal decree, a general secretary with the rank of minister is appointed to head the Supreme Council;

(b) The National Institution for Human Rights was established by Royal Decree No. 46 of 2009, as amended by Act No. 26 of 2014, which was itself amended by Legislative Decree No. 20 of 2016. The Institution was founded to strengthen and uphold human rights, entrench human rights values, raise awareness of those rights and promote their enjoyment. As described later in the present report, a number of amendments have been enacted to strengthen the Institution's independence and enhance its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) The Bahrain Institute for Political Development was established in 2005 to disseminate a culture of democracy, and to promote and entrench sound democratic principles;

(d) Alongside political actors and trade unions, civil society also plays a key role, in accordance with relevant laws. There are approximately 617 civil society organizations registered in accordance with the provisions of the Social and Cultural Associations and Clubs, Private Youth and Sports Organizations and Private Institutions Act, issued by Legislative Decree No. 21 of 1989, as amended; approximately 103 trade unions have also been established in accordance with the provisions of the Trade Unions Act, issued by Legislative Decree No. 33 of 2002, as amended.

Status of the Covenant in the Legal Order of Bahrain

35. Article 37 of the Constitution provides that: "The King shall conclude treaties by decree, and shall promptly transmit them to the Consultative Council and the Chamber of Deputies, together with a relevant statement. A treaty shall have the force of law once it has been concluded and ratified and published in the Official Gazette." The Official Gazette is accessible to all. Educational programmes also explain the Covenant, while the media has explained the provisions of the Covenant and Bahrain's obligations pursuant thereto on a number of occasions.

III. Articles of the International Covenant on Civil and Political Rights

Article 1

Right to self-determination

36. Bahrain believes in the right of peoples to self-determination, which is an inalienable right enshrined in the Charter of the United Nations. In line with the purposes of that Charter, the members of the international community are required to work together to assist peoples still living under foreign occupation in their struggle for independence.

37. On the basis of that principle, Bahrain has supported the United Nations resolutions that affirm the right of peoples to self-determination and their right to dispose of their wealth and economic resources, and supports the efforts of the Palestinian people to realize their legitimate and inalienable rights, including the right to establish an independent State, in accordance with international law and the terms of the Arab Peace Initiative.

Article 2

Promoting respect for the rights enshrined in the Covenant on a non-discriminatory basis

2.1 Upholding rights on a non-discriminatory basis

38. Chapter I, section 2 of the National Action Charter guarantees personal freedoms and equality; it states that personal freedoms are guaranteed, that equality among citizens, justice and equal opportunity are core principles of society, and that the State is responsible for ensuring that those principles are upheld for all citizens on an equal footing.

39. Article 18 of the Constitution stipulates: “People are equal in respect of human dignity and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of gender, origin, language, religion or creed.”

40. It should be noted that the Constitution provides, *inter alia*, that:

(a) “Justice is the basis of Government. Cooperation and mutual respect create a firm bond between citizens. Freedom, equality, security, trust, knowledge, social solidarity and equality of opportunity for citizens are the mainstays of society and are safeguarded by the State.” Bahrain therefore accords particular importance to justice, equality and equality of opportunity without any form of discrimination; (Article 4.)

(b) “The State shall ensure that women are able to reconcile their family responsibilities with their work in society and shall guarantee their equality with men in political, social, cultural and economic life without prejudice to the Islamic Sharia.” (Article 5 (b);)

(c) “The family, which derives its strength from religion, morality and patriotism, is the cornerstone of society. The law shall protect its legal structure, strengthen its bonds and values and protect mothers and children within its bosom. The law shall also provide for the welfare of the rising generation, protect them from exploitation and shield them from moral, physical and spiritual neglect. The State shall show particular concern for the physical, moral and intellectual development of young persons.” (Article 5.)

41. The law also guarantees civil rights and freedoms and provides other basic human rights guarantees to residents.

2.2 Legislative and other measures

42. In accordance with the above, Bahrain has promulgated numerous legislative instruments and ministerial decisions that affirm the principles of justice, equality and non-discrimination and guarantee the rights set forth in the Covenant. These include the following:

(a) The Education Act (Act No. 27 of 2005), article 3 of which stipulates, *inter alia*, that the purpose of education is to provide learners with civic, scientific, vocational and cultural training with a view to promoting their development in the emotional, moral, mental, social, health, behavioural, sports and other spheres. In particular, educational concepts shall be developed to foster peace, establish the foundations for a better future for mankind, and promote international cooperation and solidarity on the basis of justice, equality, mutual respect and interaction among all countries and peoples.

(b) The Financial Audit Office Act, issued by Legislative Decree No. 16 of 2002 and amended by Legislative Decree No. 49 of 2010, article 14 of which stipulates that, in the application of the provisions of that Act, the following shall be considered as administrative violations: non-compliance with laws, regulations, rules and decisions in all

matters relating to employment and to employees that have been enacted to promote justice, equality and equal opportunity;

(c) The Child Act (Act No. 37 of 2012), article 2 of which stipulates that the State shall guarantee to the child the enjoyment of the rights provided for in that Act without discrimination on grounds of gender, origin, colour, disability, language, religion or creed, subject to the privileges and provisions of other applicable laws relating to Bahraini children.

(d) The Private Sector Employment Act (Act No. 36 of 2012), article 29 of which provides that, subject to the provisions of that section of the Act, female workers shall be subject to all of the provisions governing the employment of male workers in equivalent working conditions. Article 37 of that Act provides that, if no precedent exists, the competent court shall determine the remuneration due to a worker in accordance with the requirements of justice. Article 39 prohibits wage discrimination on grounds of gender, origin, language, religion or creed. Article 104 (a) provides that the termination by an employer of an employment contract shall be considered an arbitrary dismissal of the worker concerned if that termination is on grounds of any of the following: gender, colour, religion, creed, marital status or family responsibilities, a female employee's pregnancy, her giving birth or the nursing of her child.

(e) The Political Associations Act (Act No. 26 of 2005), article 4 of which provides that the establishment or continuation of any political association is contingent on that association not being based on class, confession, category, geographical region or profession, and not discriminating on grounds of gender, origin, language, religion or creed.

(f) The Labour Market Regulation Act (Act 19 of 2006), article 5 (a) of which provides that the Labour Market Regulatory Authority shall exercise its functions and powers efficiently, effectively, transparently and without discrimination, in a manner consistent with the National Labour Market Plan.

(g) Legislative Decree No. 47 of 2002 on the regulation of the press, printing and publishing, article 38 of which provides, *inter alia*, that journalists are prohibited from disseminating racist propaganda or messages that imply contempt for or hatred towards religions, vilify other faiths or advocate discrimination against or the disparagement of the views of a confessional group.

(h) Legislative Decree No. 50 of 2010, which amended certain provisions of the Social and Cultural Associations and Clubs, Private Youth and Sports Organizations and Private Institutions Act, article 72 (b) of which stipulates that the Bahrain Olympic Committee shall make use of all its powers and carry out all necessary steps to achieve its objectives, which include, *inter alia*, preventing and combating all forms of discrimination, sports violence and hooliganism.

(i) Ministerial Decision No. 14 of 2012 on the Code of Conduct for Police Officers, which was issued by the Interior Minister. Article 5 (a) of that Decision stipulates that, in their interactions with citizens and residents, Ministry of the Interior personnel shall at all times respect citizens' and residents' rights and interests, and treat them with respect, courtesy, tact, impartiality, neutrality and objectivity; there shall be no discrimination among them on the basis of race, gender, religious or political belief, social status or any other grounds.

43. The State has established the key mechanisms necessary to ensure respect for the rights stipulated in the Covenant and other instruments under which Bahrain has assumed its human rights obligations. These include mechanisms established by the legislative, executive and judicial branches of Government, in accordance with the powers entrusted to them in the Constitution and the country's laws. Bahrain has also established and provides support to national human rights institutions and oversight bodies, supports civil society and guarantees freedom of opinion and expression. Bahrain, for example, promulgates laws and legislation to uphold human rights, while the Supreme Judicial Council implements and follows up on national plans to strengthen the independence of the judiciary. The Government also implements relevant programmes and policies, including the Government work programme for 2015 to 2018.

44. National human rights institutions:

(a) Act No. 26 of 2014,¹³ as amended by Legislative Decree No. 20 of 2016¹⁴ regarding the establishment of the National Institution for Human Rights, which drew on the principles relating to the status of national institutions for the promotion and protection of human rights. The National Institution for Human Rights endeavours to strengthen and uphold human rights, entrench human rights values, raise awareness of those rights and promote their enjoyment.

In order to achieve its objectives, the National Institution for Human Rights is free to comment on any human rights issue, and to address any human rights situation as it deems appropriate. The Institution performs the following duties:

(a) Participating in the development and implementation of a national plan for the promotion and protection of human rights throughout the country;

(b) Reviewing legislation and regulations on human rights in force in Bahrain, recommending what it believes are appropriate amendments in that regard, particularly with regard to the harmonization of that legislation with Bahrain's international human rights obligations, and recommending new legislation on human rights;

(c) Reviewing the appropriateness of legislative and regulatory provisions contained in regional and international instruments on human rights, and submitting recommendations to the competent authorities on all matters relating to the promotion and protection of human rights, including recommendations regarding accession to regional and international human rights instruments;

(d) Submitting parallel reports, contributing to the drafting and discussion of periodic reports submitted by Bahrain and commenting thereon, in application of regional and international human rights instruments, and disseminating those reports in the media;

(e) Monitoring cases of human rights violations, conducting necessary investigations in that regard, drawing the attention of the competent authorities to those violations, submitting proposals for initiatives to put an end to such violations and, where appropriate, expressing its views on the position adopted and steps taken by those authorities;

(f) Receiving, reviewing and investigating complaints concerning human rights, transmitting information in that regard that the Institution deems appropriate to the competent authorities and following up effectively on that matter, or informing those concerned of the necessary procedures to be followed and helping them to do so, or helping them resolve matters with the relevant authorities;

(g) Conducting field visits, in accordance with relevant regulations, to monitor the human rights situation at correctional institutions and detention facilities, workers' organizations, health and education facilities or any other public location at which it is suspected that human rights violations have taken place;

(h) Engaging with relevant cultural, public information and educational bodies and recommending actions that could help strengthen and promote a culture of awareness of the importance of human rights;

(i) Cooperating with national bodies, regional and international organizations and institutions in other countries working to promote and protect of human rights;

(j) Holding conferences and organizing seminars and educational and training courses on human rights, and carrying out studies and conducting research in that area;

(k) Participating in national and international forums and meetings of regional and international organizations concerned with human rights issues;

¹³ <http://www.legalaffairs.gov.bh/Media/LegalPDF/K2614.pdf>.

¹⁴ Legislative Decree No. 20 of 2016 amending certain provisions of Act No. 26 of 2014 on the Establishment of the National Institution for Human Rights.

(l) Issuing bulletins, publications, statements and special reports and publishing these on the Institution's website; the Institution communicates directly with the public, as well as indirectly through the media.

45. The Supreme Council for Women, which was established pursuant to Amiral Order No. 44 of 2001, is an independent body with legal personality under the direct stewardship of Council of the King of Bahrain. It serves as a reference regarding women's affairs for all official agencies and expresses opinions and makes decisions on matters directly or indirectly concerning the status of women. The Supreme Council comprises 16 female members, who are public personalities, have expertise in women's affairs in various fields and represent all sections of Bahraini society. The Council carries out many activities in connection with its plans, including the National Plan for the Advancement of Bahraini Women 2013–2022.¹⁵ Its general secretariat has set up working groups to oversee implementation of all aspects of that Plan, including the stability of the family, equal opportunities, lifelong learning, quality of life and the house of expertise. Furthermore, secretariat working groups have begun field visits to key allies and partners in the implementation of the Plan, in accordance with adopted priorities, which are executive institutions closely linked to the key outcomes of the work of the Council, with a view to ensuring that the programmes and projects carried out by these institutions and which form part of its work programme have a budget allocated for the next two fiscal years.

46. Support to civil society: the Ministry of Labour and Social Development is preparing a law on non-governmental organizations to support the work of these institutions. The Ministry also works through the Community Social Action Fund, which has an estimated budget of more than 300,000 Bahraini dinars (BD) to provide support to civil society organizations and institutions, matching their provision to social development projects, which are assessed by experts. The Ministry has allocated two thirds of the Fund's budget to projects associated with national kinship. Sixty-five nongovernmental organizations benefited from the financial grant programmes in 2013 and 66 in 2014.

47. Freedom of information and expression: Every citizen shall have the right to express his opinion orally, in writing or by any other means. Freedom of scientific research and freedom of publication, the press and printing shall be guaranteed within the limits laid down by law. The State shall guarantee the freedom to form private, scientific, cultural and professional associations and trade unions. No one shall be compelled to join or withdraw from an association or trade union. Every citizen has the right to access information, and access to the Internet is a constitutional and legal right. A draft law on the press and electronic media is being prepared to promote the freedom and independence of newspapers and e-media institutions in accordance with international norms, including, in particular the International Covenant on Civil and Political Rights. All calls for violence, public immorality or violations of human rights principles are prohibited, while the rights of journalists to express their views safely and independently, in accordance with the Constitution and the law have been strengthened, including their right to access and disseminate information.

2.3 Grievances and remedies

48. Article 20 (f) of the Constitution stipulates that the right to a legal remedy is guaranteed by law.

49. The right to a legal remedy is guaranteed to all Bahraini citizens and residents. The Judicial Authority Act, issued by Legislative Decree No. 42 of 2002, regulates all types and levels of courts, including civil, criminal and sharia courts, which are subdivided into Sunni and Ja'afari branches, as well as the civil court administrative complaints division.

50. Legislative Decree No. 8 of 1989 established the Court of Cassation which hears appeals against final judgments in civil, commercial, non-Muslim personal status, sharia and criminal cases, in accordance with the provisions of the law. In addition, a legislative

¹⁵ National Plan for Advancement of Bahraini Women <http://www.scw.bh/ar/AboutCouncil/NationalPlan/Documents/plan2015.PDF>.

decree has been promulgated to amend certain provisions of the Court of Cassation Act so as to allow appeals to the Court of Cassation on provisions of sharia.

51. Article 104 of the Constitution provides that: “The honour of the judiciary and the integrity and impartiality of judges are the basis of government and a guarantee of rights and freedoms.” Article 104 (b) states, *inter alia*: “In their judgments, judges may be subject to no interference from any quarter. The law guarantees the independence of judges and provides safeguards for the administration of justice, in which no interference is permitted.” The Constitution therefore guarantees all entities and individuals the right to resort to the judiciary to obtain a ruling on their rights as determined by law. If, pursuant to the legislation invoked in the ruling, the administrative authority enjoys the right to take administrative action, that authority may still resort to the judicial authorities to obtain an enforceable judgment (execution warrant).

52. The Public Prosecution Office, in its capacity as a division of the judiciary, investigates and takes action in criminal cases, bringing them before courts and, if necessary, appealing judgments before the Court of Appeal and the Court of Cassation. The Public Prosecution Office is also one of the bodies and authorities empowered to oversee prisons, receive complaints submitted by prisoners, and decide on those complaints, within the limits permitted by law.

53. Legislative Decree No. 27 of 2002 establishing the Constitutional Court was issued pursuant to the Constitutional amendments of 2002. Article 106 of the amended Constitution provides that: “A Constitutional Court shall be established, and shall comprise a President and six members, all of whom are appointed by a Royal Order for a period specified by law. The Court shall verify the constitutionality of laws and statutes.”

54. The accused has the right to the presence of a lawyer of his choice during the investigation and trial stages. If he is unable to appoint a lawyer, article 420 of the Code of Criminal Procedure provides that: “The person whose extradition is requested shall be informed of the charge against him, the available evidence against him and the documents related to the request for his extradition. Upon his interrogation, he shall appear along with a lawyer and should he has no lawyer, the Court shall nominate a lawyer for him.”

55. Legal aid is guaranteed under Bahraini law. Article 39 of the Lawyers’ Act, issued by Legislative Decree No. 26 of 1980 and its amendments stipulates that: the Legal Aid Committee shall be composed of three practicing lawyers selected by the Minister of Justice and Islamic Affairs. The Committee shall award legal aid; legal aid shall be used to appoint a practicing lawyer to appear and plead in the following cases:

- (a) If one of the parties to the case is poor and unable to pay the lawyer’s fees and the Committee determines that there are grounds for the provision of legal aid;
- (b) If several lawyers refuse to represent the accused in the case;
- (c) If a lawyer dies or is prevented from practicing his profession;

In general, legal aid is granted in all cases where a lawyer is unable to practice his profession or keep abreast with the legal proceedings of his client’s case. The task of the lawyer assigned in these cases is limited to taking measures to safeguard the interests of his client. The assigned lawyer decides how to proceed in the case.

- (d) If the law requires the appointment of a lawyer to represent the accused, if a court or the prosecution requests a lawyer to be appointed for that purpose or if the accused has not selected a lawyer. In such cases, the Minister of Justice and Islamic Affairs issues a decision appointing a lawyer to appear and plead the case.

56. The decision of the Legal Aid Committee or the Minister of Justice and Islamic Affairs shall be considered a form of power of attorney granted by the party concerned and shall not incur any fees.

57. In addition to the above, a number of oversight bodies have been established by the executive and judicial authorities, including:

- (a) The Office of the Ombudsman. This body enjoys administrative and financial independence and works in the Interior Ministry to ensure compliance with the laws of

Bahrain, the professional standards of policing set forth in the Code of Conduct for Police Officers and the administrative regulations that govern the performance of civil servants, within a general framework that includes respect for human rights, the consolidation of justice and the rule of law and gaining public trust. The Office of the Ombudsman was established pursuant to recommendations 1717 and 1722 (d) of the Bahrain Independent Commission of Inquiry. It exercises its powers and duties with complete independence regarding complaints submitted to it about any military or civilian employee of the Ministry of Interior in the event of commission of a misdeed concerning, during or owing to the performance of his/her duties, and notifies the competent Interior Ministry authority so that disciplinary measures can be taken against the perpetrators or notifies the Public Prosecution Office in cases that constitute a criminal offence. It also notifies the complainant and the subject of the complaint in a statement setting out the steps taken to examine the complaint and the findings. The Ombudsman Act was amended in 2013 to greatly expand its mandate, including the requirement to notify the Office of deaths occurring in prisons and detention facilities. The Office of the Ombudsman issued its first annual report in April 2014;

(b) The Prisoners and Detainees Rights Commission, which monitors prisons, detention centres, juvenile detention centres and other places where persons can be detained, such as hospitals and psychiatric wards, in order to ascertain the conditions under which inmates are held and the treatment they receive and to ensure that they are not subject to torture or inhuman or degrading treatment. The Commission exercises its duties with complete freedom, impartiality, transparency and independence;

(c) In implementation of the recommendations of the Bahrain Independent Commission of Inquiry, the Special Investigation Unit was established in the Public Prosecution Office pursuant to Public Prosecutor Decision No. 8 of 2012 to investigate cases of death, torture and inhuman or degrading treatment. The Unit is independent and publishes monthly reports on its work on social media. It has referred 51 cases to the criminal courts and 100 defendants for trial, including 17 officers, and appealed against the verdicts handed down in 19 cases. In the cases in which the accused was found guilty, the sentences imposed range from one month to seven years in prison.

58. As provided in the National Action Charter, the Constitution enshrines the principle that people are equal in human dignity.¹⁶ The National Action Charter refers to the basic principles of society, underscoring that justice is the basis of government and that equality, the rule of law, freedom, security, peace, knowledge, social solidarity and equality of opportunity for citizens are mainstays of society and are safeguarded by the State.

59. Personal freedoms are guaranteed and equality among citizens and justice are fundamental principles of society that the State guarantees to all citizens. Citizens are equal before the law in regard to their rights and duties, and discrimination among them on grounds of gender, origin, language, religion or creed is prohibited. Freedom of conscience is absolute.

60. The policies and legislation of Bahrain have adopted well-established principles for combating racial discrimination and affirming the values of equality, tolerance and mutual understanding among all people.

61. The Kingdom of Bahrain acceded to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 pursuant to Amiral Decree No. 8 of 1990. On 12 March 2000, Bahrain acceded to the amendment to article 8 of the Convention pursuant to Amiral Decree No. 6 of 2000.

62. In accordance with the Constitution of Bahrain, the fact that private rights and the exercise thereof are guaranteed to all without distinction on grounds of race or gender, and in light of the principle of freedom of belief, all State authorities are obliged to provide all guarantees when enforcing the law. Such safeguards are provided whenever an individual is accused of an offence; that individual is informed of the charges against him, and he has the right to make his statements freely, make use of a lawyer, and state and make his defence.

¹⁶ Articles 4 and 18.

Evidence that is obtained illegally is deemed inadmissible and null and void. All rights of the accused person are guaranteed by the provisions of the Code of Criminal Procedure that are contained in its chapters on investigations and trial procedures.

Article 3

The equal right of men and women to the enjoyment of rights

63. The Constitution of Bahrain contains, *inter alia*, provisions guaranteeing respect for human rights, including ensuring equality of men and women in accordance with the Constitution and the relevant obligations of Bahrain. In that regard, we note the following:

(a) Article 18 of the Constitution of Bahrain states that people are equal in human dignity, and citizens are equal before the law in regard to public rights and duties. There shall be no discrimination among them on the basis of gender, origin, language, religion or creed;

(b) Article 5 (b) of the Constitution stipulates that the State shall ensure that women are able to reconcile their family responsibilities with their work in society and shall guarantee their equality with men in political, social, cultural and economic life without prejudice to the Islamic Sharia;

(c) Article 1 (e) of the Constitution stipulates that citizens, both men and women, are entitled to participate in public affairs and to exercise political rights, including the right to vote and to stand for election, in accordance with this Constitution and the terms and conditions laid down by law. No citizen shall be deprived of the right to vote or to stand for election, except in accordance with the law.

64. The provisions of the Constitution are reaffirmed in the country's legislative instruments. These include:

(a) The Exercise of Political Rights Act, issued by Legislative Decree No. 14 of 2002, article 1 of which stipulates that citizens, both men and women, can exercise the following political rights: expressing opinions in any referendum conducted in accordance with the Constitution, and; electing members of the Chamber of Deputies;

(b) Act No. 26 of 2005 on political associations, stipulates that citizens, both men and women, shall have the right to form political associations and that all citizens have the right to join any political association in accordance with the provisions of that Act. Bahrain has, moreover, promulgated Minister of Justice Decision No. 30 of 2006, concerning the State's provision of material support to political associations;

(c) Royal Order No. 59 of 2014, establishing the regulations for the appointment of members of the Consultative Council, chapter 2, article 2 of which states that women shall be represented proportionately.

65. In addition to the stipulations of the Constitution of Bahrain, the country acceded to the Convention on the Elimination of All Forms of Discrimination against Women pursuant to Legislative Decree No. 5 of 2002 on approving the accession to the Convention on the Elimination of All Forms of Discrimination against Women, certain provisions of which were amended by Royal Decree No. 70 of 2014. The amendments state, *inter alia*, that Bahrain is committed to implementing the provisions of article 2 and article 15, paragraphs 4 and 16 of the Convention, without prejudice to the provisions of sharia.

66. To strengthen the role of women, The Supreme Council for Women was established on 22 August 2001 pursuant to Amiral Order No. 44 of 2001, which was subsequently amended by Amiral Order No. 55 of 2001, Amiral Order No. 2 of 2002 and Royal Order No. 36 of 2004, concerning women. The mandate of the Council includes the following:

(a) Endeavouring to empower Bahraini women and ensure that women's needs are addressed in development programmes with a view to enhancing family stability and cohesion, upholding the principle of equal opportunity to promote the competitiveness of Bahraini women and ensure their access lifelong learning, and increasing the number of choices available to Bahraini women, by promoting the adoption of supportive legislation

and policies that enhance women's quality of life. The Council also works with its institutional allies and partners to improve the status of women, and has established a house of expertise on women's issues that complies with international norms and standards and provides national competence and expertise in that area;

(b) Recommending general policy on development and the promotion of women's issues in social, constitutional and civil institutions;

(c) Empowering women to fulfil their role in public life, incorporating their efforts into comprehensive development programmes, and monitoring discrimination against women;

(d) Establishing a draft national plan for the advancement of women and resolving the difficulties women face in many domains;

(e) Giving effect to the principles relating to women that are enshrined in the National Action Charter and the Constitution and establishing appropriate mechanisms towards that end in collaboration with Government ministries, State institutions and civil society organizations;

(f) Submitting recommendations on amendments to current legislation relating to women, commenting on draft laws, regulations and decisions in that area prior to their submission to the competent authorities, and proposing and recommending draft laws and decisions to promote the interests of women;

(g) Monitoring the implementation of international laws, regulations, resolutions decisions and conventions related to women to ensure their implementation with a view to combating discrimination against women, as well as monitoring the implementation of Government plans and programmes on women;

(h) Using appropriate mechanisms to raise awareness within society of the role, rights and duties of women.

67. Since its inception, the Supreme Council for Women has been working to provide women with safety and stability in all stages of their life, regardless of their social status with a view to enhancing the security and stability of Bahraini families. The Women's Support and Information Centre was established to complement the existing system of services and facilities provided to Bahraini women by the Supreme Council as part of its efforts to monitor the needs of women and, using a number of methods and mechanisms, to resolve the difficulties women face, in accordance with its mandate and in collaboration with relevant authorities. The Women's Support and Information Centre provides the following services:

(a) Free legal assistance in sharia cases to resolve alimony, divorce and custody disputes;

(b) Free legal assistance in civil cases stemming from marital relations;

(c) Free legal advice for women with regard to sharia, civil, criminal and labour law;

(d) Preventive, treatment and family counselling services;

(e) Drafting amicable agreements between spouses to promote family stability and drafting good divorce settlements;

(f) Following up on applications for housing by widowed or divorced women, abandoned women who are pregnant or female family breadwinners, in coordination with the Ministry of Housing;

(g) Following up on cases in which the children of Bahraini women married to non-Bahraini citizens are unable to obtain Bahraini citizenship;

(h) Offering capacity building and ongoing education programmes on the country's legal and family cultures;

(i) The Women's Support and Information Centre receives enquiries either in person at the Centre at the headquarters of the Supreme Council for Women during official

working hours, at its offices in the four governorates, or via calls to the toll-free phone number (80008006).

68. The Supreme Council endeavours to address the needs of women and to disseminate a culture of equal opportunity by holding conferences and forums to promote these concepts and by adopting appropriate mechanisms to ensure that the needs of women are integrated into the development process. The National Model for the Integration of Women's Needs into Development was launched in 2010 and is one of the leading mechanisms within the wider Arab world for giving effect to the principle of equal opportunity. The Model takes action in certain key areas and, in 2013, four main areas for action were established, namely policies, budgets, knowledge management, and impact assessment. To give effect to the policies component of the Model, the Supreme Council has taken the following steps:

(a) Establishing equal opportunity committees: pursuant to a 2013 decision of the Civil Service Bureau, permanent "equal opportunity committees" have been established in Government agencies. The decision stipulates that those committees must be overseen by an official who holds the rank of at least ministry undersecretary;

(b) Adopting budgets that address the needs of women: The Ministry of Finance has issued several circulars to ensure that Government bodies adopt budgets that take into account the needs of women.

69. With the blessing of His Majesty the King, Bahrain has launched the National Plan for the Advancement of Bahraini Women 2013–2022. The Plan has five main axes and seeks to promote family stability by strengthening family cohesion, to give women the necessary capacity to contribute competitively to the development process on the basis of the principle of equal opportunity, to integrate the needs of women into development so as to give them the possibility to distinguish themselves in their performance, progress in their aspirations and improve their quality of life, and to promote lifelong learning. Interaction and collaboration with partners and allies complementing the institutional work takes place through the Supreme Council for Women, the national house of expertise in women's issues.

70. The Third National Conference of Bahraini Women was held on 1 November 2016 and celebrated the successes of women in the legal justice field. It reviewed and documented Bahraini women's progress in that field and highlighted relevant success stories since 1970. The Conference also reviewed how women in the legal profession have supported implementation of the national reform process, how policies to integrate the needs of women will ensure that they continue to contribute to the legal justice field, and reviewed the support services available to working women and their impact on the promotion of women working in legal justice.

Article 4

Criteria for derogating from obligations under the Covenant

71. Article 36 (b) of the 2002 Constitution of Bahrain provides that a state of national safety or martial law shall be proclaimed only by Decree. In no case shall it be proclaimed for a period exceeding three months. That period may not be renewed except with the consent of the majority of the members of the National Assembly present.

72. As a result of the events that took place in Bahrain in February and March 2011, a state of national safety was announced. His Majesty the King issued Royal Decree No. 18 of 2011 on the declaration of the state of national safety in all parts of Bahrain to ensure the safety of the homeland, uphold the rights of citizens, bring the situation under control and safeguard public and private property.

73. The Secretary-General of the United Nations was notified in letter dated 28 April 2011 of the declaration of a state of national safety from 15 March 2011 for a period of

three months.¹⁷ In accordance with the right provided by article 4 of the International Covenant on Civil and Political Rights, Bahrain implemented measures which were not in compliance with certain provisions of the Covenant. The state of national safety was lifted, before its expiry, on 1 June 2011, pursuant to Royal Decree No. 39 of 2011. The Secretary-General of the United Nations was notified thereof in a letter dated 13 June 2011 which included a reaffirmation of Bahrain's commitment to the spirit and letter of the International Covenant on Civil and Political Rights following the lifting of the state of national safety.¹⁸

74. In the light of the events that took place in Bahrain in February and March 2011, and their repercussions, His Majesty Hamad bin Isa Al Khalifa took an unprecedented step by issuing Royal Order No. 28 establishing the Bahrain Independent Commission of Inquiry,¹⁹ which was tasked with investigating and reporting on the events that took place in Bahrain in February and March 2011 and the consequences of those events, and making appropriate recommendations in that regard.

75. The Independent Commission of Inquiry duly submitted its report, which contained a number of recommendations that were accepted by Bahrain, which then took steps to ensure their implementation. The National Commission to follow up and implement the recommendations contained in the report of the Bahrain Independent Commission of Inquiry²⁰ was also established, as was an authority at the Ministry of Justice, Islamic Affairs and Endowments tasked with monitoring implementation of the recommendations. That authority issued reports in 2012, 2013 and 2014, which have confirmed implementation of the recommendations.

Article 5

Destroying or limiting the scope of the rights provided in the Convention

76. The Constitution guarantees human rights, including the right to equality. Article 18 of the Constitution states that people are equal in human dignity, and citizens are equal before the law in regard to public rights and duties. There shall be no discrimination among them on the basis of gender, origin, language, religion or creed. The rights guarantees enshrined in the Constitution are absolute. Similarly, article 22 of the Constitution stipulates that freedom of conscience is absolute.

77. With regard to public rights and freedoms, article 31 of the Constitutions stipulates: "The public rights and freedoms provided for in this Constitution shall be regulated or defined only by, or in accordance with, a legislative enactment. Such regulation or definition shall not detract from the essence of the right or freedom concerned."

78. All authorities are committed to upholding public rights and freedoms while promoting transparency and the rule of law. Constitutional and legal oversight performed by independent judiciary is a key guarantee of respect for those rights and freedoms.

Article 6

The right to life

6.1 The right to life

79. The right to life is enshrined in the Constitution of Bahrain.

¹⁷ Letter dated 28 April 2011 from the Permanent Representative of the Kingdom of Bahrain to the United Nations addressed to the Secretary-General of the United Nations.

¹⁸ Letter dated 13 June 2011 from the Permanent Representative of the Kingdom of Bahrain to the United Nations addressed to the Secretary-General of the United Nations.

¹⁹ <http://www.legalaffairs.gov.bh/Media/LegalPDF/O2811.pdf>.

²⁰ See the National Commission website: <https://goo.gl/Gksflk>.

80. Part VIII, Chapter 1 of the Criminal Code, entitled “Affecting human lives and physical well-being”, addresses the offences of murder, inciting or assisting another person to commit suicide and physical assault under all possible aggravating circumstances, including premeditation and the causing of permanent disability. The Code establishes appropriate penalties for those crimes.

81. Legislative Decree No. 16 of 1998 on the harvesting and transportation of human organs criminalizes the illegal removal of human organs as well as their sale or purchase.

6.2 The death penalty

82. Although Bahraini law provides for the imposition of the death penalty, that penalty is only applied for extremely serious offences, such as premeditated murder and certain forms of high treason with a view to upholding the rights and interests of the victims and protecting society. The imposition of the death penalty is subject to a number of safeguards. These include the following:

(a) Article 260 of the Code of Criminal Procedure stipulates that a court may hand down a death sentence only by consensus;

(b) Article 40 of Legislative Decree No. 8 of 1989 establishing the Court of Cassation²¹ provides that a legal appeal against a death sentence may be lodged before that Court. The court that handed down the death sentence shall immediately transfer the case to the Technical Office of the Court of Cassation, which shall draft a legal opinion on that sentence. The Court of Cassation may overturn the judgment and refer the case back to the relevant court to reconsider the case, with a bench that is different from the bench that handed down the first sentence, if the Court of Cassation deems this necessary under the law, such as in cases where an error has been made in the application of the law that undermines the judgment, if there are defective grounds for its application, or there has been an error in reasoning;

(c) Under Bahraini law, the Court of Cassation must itself rule on the case if the judgment is overturned for a second time. Thus, if a death sentence is, again, handed down by the new bench that heard the case when it was retried, and the Court of Cassation finds that that judgment is also invalid for one of the aforementioned reasons, then the Court of Cassation must nullify that judgment and consider the case itself and issue a ruling thereon;

(d) A death penalty shall be carried out only after all judicial remedies have been exhausted and that sentence has been approved by His Majesty the King;²²

(e) The death penalty shall be carried out upon the written request of the Public Prosecutor, once the approval of the King has been granted;²³

(f) All necessary steps and measures shall be taken in accordance with the religion of the convicted person;²⁴

(g) A death penalty shall not be carried out on a public holiday related to the religion of the convicted person.²⁵

83. Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism provides for the death penalty to be imposed for any offence punishable by life imprisonment under common law if that offence is perpetrated for the purposes of terrorism. The death penalty is also imposed for certain the offences stipulated in Act No. 15 of 2007 on Narcotic Drugs and Psychotropic Substances as those offences represent a grave danger to society, people and the economy.

²¹ The highest court within the Bahraini judicial system.

²² Article 328 of the Code of Criminal Procedure.

²³ Article 331 of the Code of Criminal Procedure.

²⁴ Article 330 of the Code of Criminal Procedure.

²⁵ Article 333 of the Code of Criminal Procedure.

6.3 Levels of adjudication that may impose the death penalty and opportunities for commutation of death sentences

84. Articles 89 and 90 of the Criminal Code provide for general amnesties, promulgated by law, which halt legal proceedings in a case or nullify a conviction handed down pursuant to those proceedings, as well as a special amnesties, which are promulgated by royal decree, and may extinguish all or part of a penalty imposed or replace it with a less severe penalty.

6.4 Reduced sentences and amnesties

85. In practice, the imposition of the death penalty in Bahrain is very rare. The law gives the judge the discretionary power to impose either that penalty or a custodial sentence. The judge is also empowered to reduce the punishment and impose a lesser penalty. Other legal measures may also be implemented, as explained below.

6.5 Juveniles and pregnant women

86. The term “juvenile” is defined in Act No. 15 of 2014, which amended article 1 of the Juveniles Act, promulgated by Legislative Decree No. 17 of 1976. The amended article stipulates that the term “juvenile” in that Act has the intended meaning of “a person who is at least seven years of age but who has not yet reached the age of 15 full Gregorian calendar years”. The new Act also stipulates that persons under the age of 15 may not be held in pre-trial detention, which was permitted under Legislative Decree No. 17 of 1976.

87. Juveniles are tried in by the Juvenile Court in closed hearings, which no one other than family members of the juvenile is permitted to attend. Article 70 of the Criminal Code stipulates that the youthful age of an accused person over 15 but under 18 years of age shall be taken as a mitigating circumstance.

88. The Juveniles Act stipulates the measures that may be imposed on juveniles under 15 years of age.

89. Article 71 of the Criminal Code states that, if a mitigating circumstance is established in a case involving an offence punishable by the death penalty, the penalty shall be reduced to imprisonment or detention for a period of not less than one year and, if the offence is punishable by imprisonment for life or for a fixed term, it shall be reduced to the penalty for a misdemeanour, unless otherwise specified by the Code.

90. Article 72 of the Code provides that if an offence is committed under extenuating circumstances and the judge feels the need for clemency, the penalty shall be reduced. Although persons over the age of 16 are considered to be adults, those under the age of 18 are not placed in pre-trial detention as are older detainees, but are held in specific locations so as to ensure that they do not mix with adults held at detention centres. This also applies to convicted persons under the age of 18 years who are separated from adult convicted persons at rehabilitation and reform facilities.

91. Articles 31 to 35 of the Criminal Code provide that: persons who unknowingly or without option commit an act constituting an offence shall not be held responsible for that offence; persons who, at the time of the offence, lack sufficient mental capacity or free will because of an illness shall be subject to a mitigating punishment or placed in a treatment facility; persons who lack sufficient mental capacity at the time they commit an offence, because they are intoxicated or under the effect of narcotic drugs which have been administered by force or which they have taken unknowingly, shall not be held responsible for that offence, and; persons who are not more than 15 years of age at the time they commit an act that constitutes an offence shall not be held liable for that offence and shall be subject to the provisions of the Juveniles Act.

92. Article 334 of the Code of Criminal Procedure provides that if the person sentenced to death is found to be pregnant, that sentence shall be suspended until three months after she has given birth.

6.6 Rejection and condemnation by Bahrain of the crime of genocide

93. Bahrain categorically condemns and is fully committed to combating genocide, in accordance with the Charter of the United Nations and international law.

94. The Kingdom of Bahrain acceded to the Convention on the Prevention and Punishment of the Crime of Genocide pursuant to Legislative Decree No. 4 of 1990.

6.7 Further measures to safeguard the right to life

95. Through Government programmes, policies and relevant legislation, Bahrain endeavours to implement all measures that protect the right to life, including the provision of health services and social guarantees.

Article 7

Prohibition of torture

96. Bahrain acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment pursuant to Legislative Decree No. 4 of 1998, issued on 18 February 1998.

97. Article 19 (d) of the Constitution stipulates: “No person shall be subjected to physical or mental torture, inducement or undignified treatment. The penalty for inflicting such treatment shall be specified by law. Any statement or confession proven to have been made under torture, inducement or other such treatment, or the threat thereof, shall be null and void.”

98. Article 253 of the Code of Criminal Procedure provides that “Judges adjudicate cases in complete freedom, based on the convictions that they form. However, it is not permissible for them to base their judgments on any evidence that was not presented during the hearing or any statement which is established to have been made by an accused person or witness under coercion or threats. Such statements shall be deemed null and void and unreliable”.

99. Article 208 of the Criminal Code provides that: “A penalty of imprisonment shall be imposed on any public official or person charged with a public service who intentionally inflicts severe pain or suffering, whether physical or mental, on a person he has detained or who is under his control for the purpose of obtaining information or a confession from that person or another individual, or as punishment for an action that that person or another individual has taken or is suspected of taking, or in order to intimidate or coerce that person or another individual, or for any other discriminatory reason. A penalty of imprisonment shall be imposed on any public official or person charged with a public service who threatens a person he has detained or who is under his control with any of the acts set forth in the first paragraph of this article, or who instigates, consents or acquiesces to the commission of such acts by a third party. The penalty shall be life imprisonment when the torture leads to the death of the victim. This article shall not apply in cases of pain or suffering resulting from or arising in connection with legal proceedings or penalties. There is no statute of limitations for the offences of torture provided in this article.”

100. Article 232 of the Criminal Code provides that: “A penalty of imprisonment shall be imposed on any individual who intentionally inflicts severe pain or suffering, whether physical or mental, on a person he has detained or who is under his control for the purpose of obtaining information or a confession from that person or another individual, or as punishment for an action that that person or another individual has taken or is suspected of taking, or in order to intimidate or coerce that person or another individual, or for any other discriminatory reason. A penalty of imprisonment shall be imposed on any individual who threatens another person he has detained or who is under his control with any of the acts set forth in the first paragraph of this article, or who instigates, consents or acquiesces to the commission of such acts by a third party. The penalty shall be life imprisonment when the torture leads to the death of the victim. There is no statute of limitations for the offences of torture provided in this article.”

101. Article 45 of the Criminal Code provides that anyone who participates in an offence, whether as the main perpetrator or an accessory thereto, is liable to the penalty prescribed for that offence, unless the law makes a contrary provision. Thus, anyone who participates in an act of torture by inciting, conspiring in or aiding and abetting its commission is liable to the same penalty as the main perpetrator of that offence.

102. Reference should also be made to article 75 of the Criminal Code, which sets forth aggravating circumstances for all offences, including torture. Those circumstances are when the offence is perpetrated for base reasons, when the offence is committed by taking advantage of the victim's inability to resist and the absence of any other person who could defend the victim, when the offence is committed in a particularly brutal manner or the victim's body is mutilated, and when the offence is perpetrated by a public official in or in connection with the conduct of his duties.

103. These aggravating circumstances are undoubtedly important considerations in torture cases. Article 75 of the Criminal Code states that whenever an offence is committed with aggravating circumstances the maximum prison sentence may be doubled and the penalty of deprivation of liberty may be raised to the maximum.

104. Legislative amendments intended to ensure the provision of additional legal protections were introduced in Act No. 50 of 2012 amending certain provisions of the Code of Criminal Procedure, as promulgated by Legislative Decree No. 46 of 2002. A new article (22 *bis*) was added, stipulating: "Any person who claims to have been subjected to reprisals because of having filed a claim about being tortured or subjected to cruel, inhuman or degrading treatment or punishment may file a civil suit against the accused during the evidence-gathering or investigation stages or before the court hearing the criminal case at any stage until a verdict is delivered at the closing of the proceedings. Such claims are inadmissible before the appeal courts unless the reprisal constitutes an offence. In the event that the reprisal is not punishable under criminal law, jurisdiction rests with the civil courts."

105. Legislative amendments have also been introduced in order to criminalize any threat or act aimed at influencing testimonies given in court. Act No. 53 of 2012 amending articles 115, 214 and 234 of the Code of Criminal Procedure and adding articles 81 *bis*, 82, paragraph 3, 127 *bis*, 223 *bis* and 223 *bis* (a) thereto has thus ushered in measures and guarantees for the protection and safety of witnesses, experts and victims and for reducing the potential risk of them being subjected to undue pressure during the evidence-gathering or investigation stages or during court proceedings.

106. There has also been a shift away from reliance on evidence based on witness testimony and confessions towards a focus on scientific methods of evidence-gathering, requiring investigators to be trained in the most up-to-date methods of crime scene management. Training is currently being carried out, side by side with the establishment of a new forensics laboratory that will be staffed by fully qualified technicians. The laboratory and training courses are being developed in cooperation with the British police and the United Kingdom National Policing Improvement Agency. Judges, staff members of the Public Prosecution Office and police officers also receive intensive and ongoing training.

107. In order to promote justice, both in spirit and in letter, additional legal oversight and investigation mechanisms have been established, including:

(a) The Office of the Ombudsman and the Prisoners and Detainees Rights Commission. These two independent and transparent legal mechanisms have been empowered to achieve the goals stipulated in the legislation under which they were established, in line with the provisions of the National Action Charter, the Constitution and relevant international standards;

(b) The Internal Investigation Department of the Ministry of the Interior has also been established to ensure that procedures are followed in accordance with the law and the Code of Conduct for Police Officers;

(c) The National Institution for Human Rights Foundation, which was established on the basis of the Paris Principles, plays several key roles with a view to achieving its objectives, including a supervisory role in order to ensure that human rights

are upheld and the law is applied correctly. Between January 2016 and 20 June 2016, the Institution received 75 complaints and 72 requests for assistance and legal advice.

108. To complement the legal architecture and to give effect to oversight mechanisms, Bahrain ensures that legal and judicial remedies are made available. Those remedies include lodging criminal, civil or administrative suits to obtain redress, making use of financial compensation regimes or reaching consensus-based solutions. This ensures effective and transparent follow up on the implementation of Bahraini laws.

109. The Office of the Ombudsman received and considered 242 complaints in the 2013–2014 period, and 908 complaints and requests for assistance in the 2014–2015 period.²⁶

Article 8

Prohibition of slavery and the slave trade

Legal instruments

110. Act No. 1 of 2008 on Trafficking in Persons was promulgated in line with provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). The Act provides a definition of trafficking in persons and clarifies the physical acts that constitute that offence. It also deals with the scope of criminal responsibility, legal and other measures to protect victims, and aspects of crime control. The main features of the Act are as follows:

- (a) Prescribing the imposition of harsh penalties for what are considered criminal offences, namely felonies under the law;
- (b) Prescribing the imposition of monetary fines and custodial sentences;
- (c) Prescribing that convicted offenders must bear the cost of returning victims to their countries;
- (d) Prescribing the confiscation of funds and material objects used in the perpetration of the crime;
- (e) Determining the criminal responsibility of legal persons if the offence is committed in their name, on their behalf or for their benefit, providing for the imposition of financial penalties on those legal persons, and providing for the closure of those legal persons or temporarily or permanently suspending their activities, without prejudice to the responsibilities of natural persons;
- (f) Increasing the penalty imposed when the offence is perpetrated by a criminal gang, is perpetrated against a person under the age of 15 or a person with special needs, or constitutes a transnational crime, or when the perpetrator is responsible for the victim or exercises authority over him, or if the offence results in the victim contracting an incurable disease;
- (g) Ensuring the enjoyment by victims of all their legal and material rights during the investigation and trial stages, such as their rights to medical, psychological and other forms of personal assistance, as provided in the Protocol, including their possible admittance to medical and psychological rehabilitation centres or centres providing shelter and rehabilitation services and their right to physical security;
- (h) Empowering the court and the investigating authority (the Public Prosecution Office) to determine whether victim should remain in Bahrain during the investigation or the trial.

111. Article 7 of Act No. 1 of 2008 on Trafficking in Persons provides for the establishment of the Committee for the Assessment of the Status of Foreign Victims of

²⁶ Annual reports of the Office of the Ombudsman for the years 2013–2014 (p. 11) and 2014–2015 (p. 12).

Trafficking in Persons, which is empowered to remove any impediments that may prevent foreign victims from finding employment, should they need to work. The Committee also works with the Ministry of the Interior to return victims to their countries of origin or places of residence abroad should victims request this. The Committee can, moreover, recommend that victims should remain in Bahrain and have their legal status adjusted with a view to allowing them to take up employment.

112. Article 8 of the same Act provides for the establishment of the National Committee to Combat Trafficking in Persons, whose functions include the following: designing programmes to prevent and combat trafficking in persons and to protect victims of trafficking from revictimization; encouraging and supporting the design of research, information and media campaigns, together with social and economic initiatives to prevent and combat trafficking in persons; liaising with State authorities on information about trafficking in persons; and following up on the implementation, by the relevant government authorities, of the recommendations and guidelines contained in the conventions and protocols on combating trafficking in persons to which Bahrain is a party.

113. The National Committee to Combat Trafficking in Persons oversees the Centre for Sheltering Victims of Human Trafficking, which provides preventive services through a foreign workers protection unit, and legal services through a foreign workers complaints department, with the support of staff working with the Centre's legal advisor. The Centre also collaborates with labour sections at embassies of workers' countries through its embassy liaison department, hosts offices of the Central Informatics Organization, which issues identity cards to members of foreign workers' families, and runs a training centre for both citizens and foreign workers. The Centre brings together representatives of two civil society associations, volunteer doctors from three private hospitals in Bahrain, and has been assigned the telephone number 995, to which callers can make emergency calls 24 hours a day in seven languages. The shelter itself, moreover, can accommodate up to 200 people if necessary, but usually hosts some 120 people. It also contains a clinic that provides medical, psychological, physical fitness testing, recreational and rehabilitation services. Furthermore, the National Committee to Combat Trafficking in Persons has been working with the United Nations Office on Crime and Drugs to mobilize technical support for the establishment of a national referral system for registering and following up on cases received by the Centre.

114. The Criminal Code of 1976 also addresses the concept of trafficking in persons as set forth in the Palermo Protocol; the offences covered by the Code include those perpetrated directly against individuals that threaten their lives, result in their forced labour in certain activities or infringe on their material rights, such as the rape, prostitution and debauchery or incitement thereto and violations of liberty. Examples of those offences include the following:

- (a) Subjection of workers to forced labour or the withholding of workers' wages by State officials or those working on the State's behalf;²⁷
- (b) Subjection of workers to forced labour or the withholding of workers' wages in the private sector;²⁸
- (c) Incitement to engage in prostitution or debauchery;²⁹
- (d) Coercion to engage in prostitution or debauchery;³⁰
- (e) Making a living from prostitution or debauchery and protecting those who engage in those activities;³¹
- (f) Establishment and management of premises for the purposes of prostitution or debauchery;³²

²⁷ Article 198 of the Criminal Code.

²⁸ Article 302 of the Criminal Code.

²⁹ Article 324 of the Criminal Code.

³⁰ Article 325 of the Criminal Code.

³¹ Article 326 of the Criminal Code.

(g) Arrest, detention or abduction by force or circumvention, including with the intention of perpetrating a rape or an indecent assault or making pecuniary gains.³³

115. In addition to these offences, the Code addresses offences against human life and physical integrity, rape, indecent assault, and the sexual exploitation of children.

116. Bahrain is also a party to the Slavery Convention of 25 September 1926, as amended by the Protocol of 1953 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, to which Bahrain acceded under the terms of Decree No. 7 of 1990.

Judicial measures and the rights of victims

117. Investigating reports by collecting witness statements and material evidence, taking action in respect of accused persons, including their arrest and questioning in accordance with the provisions of the Code of Criminal Procedure, seizing financial and non-financial assets and any other goods procured by means of criminal activity and holding these in custody pending the final ruling in the case.

118. Informing victims of their rights, granting them the opportunity to declare themselves to be victims of crime, providing evidence of their status as victims and confirming that status in the course of the investigations.

119. Ensuring that victims receive medical and psychological care by having them examined by a competent physician and, if necessary, admitting them to a medical or psychological rehabilitation centre.

120. Admitting victims to a dedicated shelter or rehabilitation facility or taking the necessary action to provide them with accommodation.

121. Informing the Committee for the Assessment of the Status of Foreign Victims of Trafficking in Persons of cases so that the Committee can remove any impediments preventing victims from finding employment, and, if necessary, helping victims to find jobs.

122. To date, more than 25 cases filed under the Trafficking in Persons Act have been brought before Bahraini courts. Penalties imposed on persons found guilty of offences under that Act have included prison terms of between 10 and 15 years, financial penalties and, for foreign perpetrators, permanent expulsion from the country upon completion of their sentences.

Other activities

123. As a founding member of the Group of Friends United against Human Trafficking, Bahrain is working to strengthen international efforts to combat trafficking in persons. In 2011, the Group of Friends helped to formulate and launch the United Nations Global Plan of Action to Combat Trafficking in Persons in 2010.

Article 9 Right to liberty and security of person

9.1 Upholding fundamental rights at the time of arrest

124. Article 357 of the Criminal Code provides that anyone who by any means unlawfully arrests or detains a person or deprives him of his liberty shall be liable to imprisonment. The penalty shall be increased to imprisonment for a number of reasons, including the use of force, threats, torture, if the offence is carried out by impersonating a public official, if the offence is committed for pecuniary gain, revenge or in order to perpetrate a rape or an indecent assault on a victim, if the offence is committed by two or

³² Article 328 of the Criminal Code.

³³ Articles 357, 358 and 359 of the Criminal Code.

more persons, if the perpetrator is carrying a weapon, or if the period of arrest, detention or deprivation of liberty exceeds one month.

125. Article 358 of the Code provides for the penalty of up to 10 years imprisonment for the offence of kidnapping. The penalty shall be increased to imprisonment if the victim is a female or if the abduction took place by deception.

126. Article 359 of the Code provides that the penalty shall be increased to death or life imprisonment for the offence set forth in the two preceding articles if it results in the death of the victim.

127. Article 210 of the Code prescribes a penalty of imprisonment for any public official responsible for running or guarding a prison who admits a person to the prison without an order from the competent authority, keeps a prisoner there beyond the time limit specified in the order, or fails to comply with a release order.

9.2 Informing arrested persons of the reasons for their arrest

128. Article 61 of the Code of Criminal Procedure stipulates that arrested persons must be treated in a manner that preserves their human dignity. They must be informed of the reasons for their arrest and are entitled to communicate with the family members of their choosing in order to inform them of what has happened and ask for the services of a lawyer; this is done in order to expedite the determination of the legal status of arrested persons and the process by which they can try to prove their innocence with a view to obtaining their release from detention at the earliest opportunity.

9.3 Procedures for arrest and bringing cases to trial

129. Article 57 of the Code of Criminal Procedure stipulates that an arrested person must be brought before the investigating authority (the Public Prosecution Office) within 48 hours. The Public Prosecution Office then has 24 hours to question that person, and must then order his or her provisional detention or release.

130. Articles 147 and 148 of the Code stipulate that a detention order issued by the Public Prosecution Office is valid for only seven days. If, for the purposes of continuing the investigation, the Office wishes the accused person to remain in detention, a request to that end must be filed prior to the end of that seven-day period with a minor court judge. After hearing the statements of the accused person and the Public Prosecution Office, that judge may issue an order for the detention to be extended for a specific period or consecutive periods that shall, in no case, together exceed thirty days. If the investigation has not been completed and the Public Prosecution wishes to extend the detention in custody over and above the period of 30 days, the relevant documents on the case shall, prior to the expiry of the said period, be handed over to the High Criminal Court that shall convene in the Consultation Room and, after hearing the statements of the accused person and the Public Prosecution Office, may issue an order to extend the detention for successive periods, each of which shall not exceed 30 days if this is deemed in the interest of the investigation, or may order the release of the accused on or without bail. However, the matter shall be referred to the Public Prosecutor if three months elapse following the accused's detention in custody so that the Public Prosecutor can take appropriate action with a view to completing the investigation. In no case shall the period of detention in custody exceed 6 months, unless, before the expiry of that period, the accused is informed that he is to be brought before a competent court. If the offence attributed to the accused is a criminal offence, the provisional detention period shall not exceed 6 months, unless an order is obtained from the competent court before the expiry of that period authorizing the extension of that period by up to 30 days: that detention may be renewed for further periods of the same duration. If an order is not obtained from the competent court, the accused person must be released from custody. Article 151 of the Criminal Code allows the accused person to be released on bail.

131. Bahrain has, moreover, adopted specific provisions that regulate legal custody authorized by judicial officers and the periods of detention permitted under judicial decisions in relation to terrorist offences. Article 27 of Act No. 58 of 2006 on the protection of society from acts of terrorism stipulates that, if there is sufficient evidence that an individual has perpetrated a terrorism offence, a judicial officer may order his arrest for up

to 28 days for questioning. That individual shall then be brought before the Public Prosecution Office, which shall question him within three days of his appearance before that Office. The Public Prosecution Office may then order his detention for a period or consecutive periods which, in total, shall not exceed 6 months, in accordance with article 26 of that Act.

9.4 and 9.5 (Please refer to article 2.3)

132. Persons subjected to unlawful arrest or detention are entitled to compensation in that such acts contravene article 27 of the Bahraini Civil Code, which stipulates that the lawful exercise of a right shall not imply liability even if it results in injury to third parties. Accordingly, if a person's rights have been violated and injury is caused as a result of his or her unlawful arrest or detention, that person shall be compensated for the injury caused, pursuant to article 158 of the Civil Code, which states that any error that results in injury to third parties imposes an obligation on the party that caused the error to compensate the injured party. Bahrain therefore upholds article 10 of the Covenant through the application of national laws.

Article 10

The humane treatment of persons deprived of their liberty

10.1 Humane treatment

133. Article 19 of the Constitution stipulates that no one may be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary. Likewise, no one may be detained or imprisoned in locations other than those designated in prison laws covering health and social protection and under the supervision of the judiciary. No person shall be subjected to physical or mental torture, inducement or undignified treatment. The penalty for inflicting such treatment shall be specified by law. Any statement or confession proven to have been made under torture, inducement or other such treatment, or the threat thereof, shall be null and void. Article 20 of the Constitution further stipulates that no accused person may be subjected to physical or mental harm.

134. There has also been a shift away from reliance on evidence based on witness testimony and confessions towards a focus on scientific methods of evidence-gathering, requiring investigators to be trained in the most up-to-date methods of crime scene management. Training is currently being carried out, side by side with the establishment of a new forensics laboratory that will be staffed by fully qualified technicians.

135. In January 2014, the Ministry of the Interior issued a manual on procedures for arrest and pre-trial detention that comply with national laws and regulations and international norms and standards. The manual also aims to establish uniform procedures for detention facilities and prisons. Furthermore, Ministerial Decision No. 14 of 2012 on the Code of Conduct for Police Officers, issued by the Interior Minister, sets forth principles that public security officers must uphold in the performance of their duties to maintain order and security within the country.

10.2 Categorization of inmates and persons held in pre-trial detention

136. Article 19 (c) of the Constitution stipulates that no one may be detained or imprisoned in locations other than those designated in prison laws covering health and social protection and under the supervision of the judiciary. Furthermore, article 3 of the Reform and Rehabilitation Department Act (Act No. 18 of 2014) stipulates that the Department shall maintain separate reform and rehabilitation centres for men and for women, as well as separate pre-trial detention facilities for men and for women. Reform and rehabilitation centres shall set aside areas where convicted persons serving prison terms of not more than 3 months and persons imprisoned for non-payment of debts shall be held, in accordance with the rules and procedures prescribed in the implementing regulations.

137. Article 4 of that Act prescribes that inmates and persons held in provisional detention shall be categorized on the basis of the criteria set forth in the aforementioned article.

138. In 2015, the Interior Minister issued Ministerial Decision No. 131 on the implementing regulations for the Reform and Rehabilitation Department Act. Article 14 of those regulations stipulates that a committee, named the Inmate Categorization Committee, shall categorize persons as prison inmates of persons held in provisional detention.

139. The Ministry of the Interior makes every effort to reform and rehabilitate prisoners. A number of training, rehabilitation, educational, cultural and sporting programmes and activities are held each year for prisoners to enhance their skills and knowledge. Furthermore, the General Directorate of Reform and Rehabilitation collaborates with the Nasser Vocational Training Centre to implement prisoner education and professional rehabilitation plans and programmes, as well as projects to facilitate prisoners' reintegration into society on completion of their sentences that enable them to make an active contribution to society as it moves forward and develops.

140. The General Directorate of Reform and Rehabilitation supports a number of programmes and workshops. These include the following:

- (a) The prisoner drug recovery programme (Towards a Better Tomorrow);
- (b) Skills workshops;
- (c) Agricultural programmes;
- (d) Musical groups;
- (e) Religious counselling (offered seven days a week);
- (f) The Great Bahrain Competition for Memorizing, Reciting and Interpreting the Holy Quran;
- (g) Sports competitions;
- (h) The Nasser Vocational Training Centre;
- (i) Social support (The Cognitive Behaviour Programme);
- (j) Educational lectures by prisoners, under the supervision of the General Directorate of Reform and Rehabilitation;
- (k) Lectures in Arabic and English, under the supervision of the General Directorate of Reform and Rehabilitation;
- (l) Ministry of Education examinations (home study system);
- (m) Anti-smoking lectures.

Article 11

Prohibition of imprisonment merely on the ground of inability to fulfil a contractual obligation

141. Neither Bahrain's general Criminal Code nor its special laws contain provisions authorizing the imprisonment of a person solely on the ground of his or her inability to pay a civil debt or fulfil any form of contractual obligation. The Ministry of Justice, Islamic Affairs and Endowments is currently reviewing certain civil procedures related to evading implementation of an obligation, which provide for person to be detained for one period of three months pursuant to a judicial order.

Article 12

Liberty of movement and freedom to choose one's residence

142. Chapter I, section 2 of the National Action Charter on the protection of individual freedoms and equality provides, in its second article, that: "Personal liberty shall be guaranteed by law. No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary." Similarly, Article 19 of the Constitution provides that:

"(a) Personal liberty shall be guaranteed by law;

"(b) No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary."

Article 17 (b) of the Constitution stipulates that: "No citizen shall be expelled from Bahrain or prevented from returning thereto."

Article 21 provides that: "The extradition of political refugees is prohibited."

143. In line with these constitutional principles, Bahrain has promulgated a number of legislative instruments that guarantee freedom of movement, freedom to choose one's place of residence, and the freedom to leave or enter the country. These include the following.

1. The Family Act

144. The Family Provisions Act guarantees wives the right to choose their place of residence. Section I, article 57 of that Act, which was promulgated by Act No. 19 of 2009 stipulates that: "The husband shall prepare for his wife a suitably equipped dwelling that is appropriate to his financial status." Article 58 of the Act stipulates that: "The wife shall live with her husband in the dwelling that has been prepared as a marital dwelling once they are married, and must move with her husband if he changes dwelling, unless it is stipulated otherwise in a contract or if she will be harmed by the move or if the court rules that it such a move would run counter to her interests."

145. Article 9 of Minister of Justice, Islamic Affairs and Endowments Decision No. 1 of 2016 on the list of legal authorized persons and the verification of personal status documents states that: "Before entering into marriage, the official conducting the marriage must inform the persons entering the marriage or their representatives regarding the special conditions that cannot be waived by the two parties, such as those related to dowry or reciprocal rights and obligations under sharia law between spouses, the obligation to pay maintenance to the wife, the wife's employment or studies and other matters addressed by the law, or by sharia law, in accordance with the religious confession of the spouses. Therefore, the wife is entitled to choose the place of residence appropriate for her and is entitled to specify this in the marriage contract."

2. Passports Act

146. Act No. 11 of 1975 on passports, as amended, stipulates that citizens are free to leave or enter the country at designated locations. Article 1 of that Act states that "Bahraini nationals may not leave or return to Bahraini territory unless they are carrying a passport, in accordance with the provisions of this Act. That passport may be substituted by a laissez-passer or similar document in cases specified in a decision issued by the Minister of the Interior, such as the documents issued by the Ministry of the Interior to the crews and captains of ships and aircraft crews. Bahrainis are, however, only required to carry their personal ID documents when travelling to and from other States members of the Gulf Cooperation Council, as stipulated in a decision issued by the Minister of the Interior".

147. Article 2 of that Act stipulates that Bahraini nationals enjoy the right to a passport, in accordance with the provisions of the Nationality Act in force when the passport is issued. Article 5 of that Act states that entry to and departure from Bahrain is prohibited except at designated locations and unless permission has been granted for this by the

relevant passports official in the form of a visa stamped in the passport or equivalent document.

3. Aliens (Immigration and Residence) Act of 1965

148. The relevant provisions of this Act regulate the entry and departure of foreigners into and from Bahrain. Foreigners are allowed to enter Bahrain if they are in possession of a valid passport or other acceptable travel document and a valid visa to enter the country. Foreign nationals residing in Bahrain enjoy freedom of movement and residence, and freedom to change their place of residence on an equal footing with Bahraini citizens. A foreign national who is authorized to reside in Bahrain is free to leave the country and return to it.

149. Bahraini legislation sets forth clear and explicit conditions under which travel bans may be imposed:

(a) The Code of Criminal Procedure, promulgated by Legislative Decree No. 46 of 2002, article 159 of which provides that, if, when considering the renewal of period of provisional detention, the Attorney General and the competent court should decide to release an accused person in a criminal case or a case involving a misdemeanour punishable by imprisonment, and should it be in the interest of the investigation to bar him from traveling abroad, they may issue an order to include his name in the lists of persons prohibited from traveling abroad. The accused person may appeal against that order before the High Criminal Court when convened in the Consultation Room. If his appeal is rejected, he may file a new challenge one month after the date of rejection of his previous appeal, unless the case is brought before the court that has jurisdiction to hear it; in that situation, the travel ban order or its cancellation shall be subject to the court's competence.

(b) The Code of Civil and Commercial Procedure, promulgated in Legislative Decree No. 12 of 1971, as amended:

(i) Article 178 of that Code stipulates that the plaintiff may obtain a court order forbidding the defendant from travelling if the following conditions are met:

(a) If there is serious reason to believe the defendant intends to abscond from justice in the near future;

(b) If the request is supported by a written document establishing the existence or likelihood of an outstanding debt. Within eight days of the issuance of the court order, the prosecutor or the issuer of the travel ban must, by registered letter with acknowledgement of receipt, inform the accused person that an order forbidding him from travelling has been issued, if that order was issued in his absence.

(c) Article 179 (b) of that Code stipulates that the order forbidding the defendant from travelling shall cease to be valid in the following circumstances:

(i) If the plaintiff or the party that issued the order on his behalf fails to inform the defendant of the issuance of an order forbidding him from travelling, in accordance with the provisions of the second paragraph of article 178 of the present Code;

(ii) Lapse of either of the conditions which must be met in order for the travel ban to be ordered;

(iii) If the defendant provides a surety acceptable to the court or bail in cash to the value determined by the Court to guarantee the execution of any judgment that may be passed against the defendant in the case;

(iv) If a period of 60 days elapses from the final judgment in a case brought before a court to demand the repayment of a debt, where that judgment imposed a travel ban until the debt was repaid, unless the creditor has returned to the competent court to request enforcement of the judgment.

(d) Act No. 19 of 2009, promulgating the Family Provisions Act, section I, article 138 of which provides that:

(i) A woman with custody of a children shall travel with that child to another State to take up residence there only with the permission of her legal or testamentary guardian;

(ii) No male legal guardian of a child, whether the father or another person, shall be permitted to travel with that child to take up residence in another location except with the permission of the female guardian of that child.

(e) Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism, article 31 of which provides that the Public Prosecutor shall, where necessary and when there is evidence of the seriousness of a charge relating to any of the offences provided for in the Act, order that the accused person be prevented from travelling while the investigation is underway, or order that he be prohibited temporarily from disposing of or managing his financial assets, or impose other such precautionary measures;

(f) Act No. 3 of 1975 on Public Health, article 62 of which stipulates that the competent authorities may, at the request of the Minister of Health, order the complete or partial suspension of traffic, loading, unloading, or maintenance in any port or section thereof if there is a danger to public health;

150. International instruments relating to freedom of movement: Bahrain has acceded to a number of international conventions guaranteeing freedom of movement. These include the following:

(a) The United Nations Convention against Transnational Organized Crime and the Protocols thereto, which Bahrain acceded to pursuant to Act No. 4 of 2004;

(b) The Arab Charter on Human Rights, which Bahrain ratified to pursuant to Act No. 7 of 2006. Article 26 of the Charter stipulates: "Everyone lawfully in the territory of a State party shall enjoy the right of freedom of movement and to choose a place of residence in any part of that territory within the limits of the laws in force." Article 28 states that: "Everyone has the right to seek political asylum in another country to escape persecution. That right may not be invoked by persons facing prosecution for an offence under common law. Political refugees shall not be extradited."

(c) The Convention on the Rights of Persons with Disabilities, which Bahrain ratified pursuant to Act No. 22 of 2011. Article 18 of the Convention stipulates that States parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities: (i) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement; (ii) Are free to leave any country, including their own; (iii) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country;

Article 20 of the Convention states that States parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by: (i) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost; (ii) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost; (iii) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities; (iv) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

(d) The International Convention against the Taking of Hostages, to which Bahrain acceded to pursuant to Act No. 16 of 2005;

(e) The Agreement on the Extradition of Criminals among States members of the League of Arab States, which Bahrain acceded to pursuant to Amiral Decree No. 21 of 1973.

151. Penalties: With a view to upholding the fundamental rights enshrined in the Constitution, Bahrain has adopted legislation that, *inter alia*, stipulates penalties for persons who violate those rights. The Criminal Code promulgated in Legislative Decree No. 15 of 1976 and its subsequent amendments sets forth the following penalties for violations of liberty:

(a) Article 357 of the Criminal Code provides that anyone who by any means unlawfully arrests or detains a person or deprives him of his liberty shall be liable to imprisonment. The penalty shall be imprisonment in the following cases:

(i) If the act is committed by falsely assuming an official capacity or alleging to be undertaking or entrusted with a public service or if the perpetrator otherwise makes false claims about himself;

(ii) If the act is accompanied by the use of force or threat of murder, bodily harm or acts of physical or mental torture;

(iii) If the act is committed by two persons or more or by one person carrying a weapon;

(iv) If the period of arrest, detention or deprivation of liberty is more than one month;

(v) If the act is committed for pecuniary gain, revenge or in order to perpetrate a rape or an indecent assault on a victim;

(vi) If the act is committed against a public servant during, by reason of or as a result of discharging his duties.

(b) Article 358 of the Code provides for a penalty of up to 10 years imprisonment for the offence of abducting a person, when the perpetrator acts on his own behalf or through the agency of a third party. If the victim is a female the punishment shall be imprisonment. If the abduction took place by deception, or if any of the conditions set forth in the preceding article are met, that shall be considered an aggravating circumstance. Article 359 of the Code provides that the penalty shall be death or life imprisonment for the offence set forth in the two preceding articles if it results in the death of the victim;

(c) Article 360 stipulates that a perpetrator shall be exempt from punishment for the crimes provided for in the preceding articles of that chapter if he proceeds on his own initiative to advise the authorities before the discovery thereof of the place where the abducted person is being held and informs them about the other perpetrators, should such behaviour lead to the rescue of the abducted person and the apprehension of the perpetrators.

Article 13 Expulsion of Aliens

152. Article 64 *bis* of the Criminal Code provides that “When any alien, whether male or female, is convicted of any of the offences provided in this Code, the judge may in his judgment order his or her deportation from the Kingdom of Bahrain either permanently or for a specified period of at least 3 years”. The deportation of aliens is thus implemented in accordance with the law and under judicial supervision.

Article 14 Equality before the courts and the right to a fair trial

153. Article 18 of the Constitution stipulates: “People are equal in respect of human dignity and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of gender, origin, language, religion or creed.”

154. Article 20 (c) of the Constitution stipulates: “An accused person is innocent until proven guilty in a trial in which he is assured of the necessary guarantees to exercise the right of defence at all stages of the investigation and trial in accordance with the law.”

Article 20 (e) stipulates that: “Every person charged with an offence shall be entitled to a lawyer to defend him with his consent.”

155. The Judicial Authority Act, promulgated by Legislative Decree No. 42 of 2002 and its amendments stipulates that the courts shall exercise the authority of the judiciary in accordance with the provisions of that Act, that judges are independent and in the discharge of their functions are subject to no authority other than the law. Court hearings are public unless the court decides to hold them in camera out of regard for public order or public morality.³⁴

156. Article 84 of the Code of Criminal Procedure provides that the legal representative of an accused person is entitled to be present during investigation procedures. Even in exceptional cases where an investigation is conducted in his absence, that legal representative has the right to access the documents related to the case, in accordance with article 87 of the Code.

157. Article 134 of the Code of Criminal Procedure provides that prosecutors are not permitted to question the accused or confront him with witnesses or the testimony of others until after his lawyer, where present, has been summoned. It also states that the accused must declare the name of his lawyer.

158. Pursuant to article 216 of the same Code, a lawyer must appear in court with the accused. In the event that the accused has not appointed a lawyer, the court shall choose a lawyer for him and, should the accused be unable to pay the legal fees, the State shall assume responsibility for their payment.

159. It is also stipulated that there shall be no crime or punishment except as defined by law and penalties shall be imposed only in respect of acts committed after the entry into force of the law pertaining thereto. Punishment shall be personal. An accused person shall be presumed innocent until proved guilty according to law in a legal trial at which he enjoys the necessary guarantees to exercise the right of defence at all stages of the investigation and trial in accordance with the law. It is prohibited to inflict physical or mental harm on an accused person. Every person accused of a felony shall have a lawyer to defend him with his consent. The right to seek legal redress shall be guaranteed by law.

160. With respect to complaints within their jurisdiction that they are investigating, the Public Prosecution Office and the Office of the Ombudsman check the accused for signs of ill-treatment, including through the visits to detention centres. If such signs are present, the Public Prosecution Office must authorize a forensic pathologist to examine the accused in order to determine the causes of the injury. If, as a result of the investigation, a confession is found to have been obtained from the accused by way of coercion or threat, the Public Prosecution Office must exclude it from the evidence.

161. Hearings in criminal trials shall be held in public, although a court may decide to hear all or part of a case in camera or to prohibit specific groups from attending in order to preserve public order or public morals.³⁵ The judgment shall be delivered in a public hearing, even if the case was heard in camera. It must be entered in the record of the hearing and signed by the president and the clerk of the court.³⁶

162. The Code of Civil and Commercial Procedure of 1971 stipulates that the trial shall be held publicly unless the Court decides either at its own instance or at the instance of one of the litigants to hold it in camera out of regard for public order or public morality or in deference to the dignity of the family. If possible, the Court shall deliver the judgment immediately after the conclusion of the trial. If that is not possible, it shall deliver it in another session convened for that purpose. The judgment shall be delivered in a public hearing.³⁷

³⁴ Judicial Authority Act, as amended, arts. 1, 2 and 3.

³⁵ Code of Criminal Procedure, art. 214.

³⁶ Code of Criminal Procedure, art. 254, para. 1.

³⁷ Code of Civil and Commercial Procedure, arts. 55 and 186.

163. The investigation shall be conducted in Arabic, and in cases in which parties or witnesses do not know Arabic, the public prosecutor must hear their statements through an interpreter after the latter has sworn under oath to perform his task in a correct and trustworthy manner.

164. The litigants shall be summoned to appear before the court one full day prior to the hearing in cases involving infractions, at least three days prior to the hearing in cases involving misdemeanours and ten days prior to the hearing in cases involving felonies. The summons shall state the charge and the legal articles that provide for punishment. In case of flagrante delicto, the summons may not state a particular time to appear. If the accused appears and asks to be given time to prepare his defence, the court shall give him a certain period of time to do so, in accordance with the law.

165. The parties shall have access to the documents of the case as soon as they are summoned to appear before the Court.

166. The investigation begins with the summoning of the accused and the witnesses. The accused is asked to give his name, surname, age, occupation, nationality, place of residence and place of birth. The charge against him is made in the letter of summons or a referral order, depending on the circumstances. The accusation against him is stated in the letter of summons or the order of the transfer of proceedings, as the case may be, and the Public Prosecution Office and the civil rights prosecutor, if present, shall submit their demands.

167. The accused is then asked whether he or she wishes to confess to the offence he or she is accused of. If the accused confesses, the court may consider only the confession and issue its judgment without hearing the testimony of witnesses, unless the offence is punishable by death, in which case, the court must complete the investigation by hearing the testimony of the prosecution witnesses. The witnesses are cross-examined by the Public Prosecution Office, then by the victim, then by the civil rights prosecutor, then by the accused and finally by the authority responsible for upholding civil rights.

168. The Public Prosecution Office, the victim and the civil rights lawyer may question the witnesses again to clarify the information they had provided in their previous responses to questions.

169. A lawyer must appear before the court with every person accused of a felony. The lawyer appointed must provide his name to the court at least four days prior to the hearing. If the court finds that a person accused of a felony has not appointed a lawyer to defend him, it shall nominate a lawyer for him.

170. The Public Prosecution Office is responsible the criminal case. No other authority may bring a prosecution unless otherwise provided by law. The criminal proceedings may not be abandoned, suspended or interrupted except as provided by law.

171. In accordance with the law, if the Public Prosecution Office finds that, on the basis of the evidence it has collected, that there are grounds to prosecute a case involving a misdemeanour or infraction, the accused shall be summoned to appear directly before a competent court.

172. An interpreter competent in the language into which proceedings are to be translated during the trial shall be provided by the Ministry of Justice, Islamic Affairs and Endowments.

173. A person accused of a felony or misdemeanour that carries a penalty of a prison term that, according to the law, must begin as soon as the sentence is handed down must appear in person before the court. In other cases, the accused may appoint an agent to present his defence, without prejudice to the right of the court to order the accused to appear in person.

174. Except in cases of flagrante delicto and of urgent need arising from the fear of losing evidence, no member of the Public Prosecution Office may question an accused person or have him confront other accused persons or witnesses unless that person's lawyer has been invited to attend, assuming that a lawyer has been appointed. The accused shall declare his lawyer's name in a report to the court clerk's office or the director of the prison facility. His lawyer may take on this task in his stead. The lawyer shall speak only with the permission

of a member of the Public Prosecution Office. A note shall be made in the record if such permission is denied.

175. As stated previously, the judgment shall be delivered in a public hearing, even if the case was heard in camera. It must be entered in the record of the hearing and signed by the president and the clerk of the court. The court may order that measures be taken to prevent accused persons from leaving the courtroom before the judgment is delivered or to ensure their presence at the hearing until which judgment has been deferred, which it may do by remanding them in custody, where permissible. No liability shall be imposed on a person who has not attained the age of fifteen years at the time of the commission of the act constituting the crime and shall follow the provisions of the Juveniles Act. A person under 15 years of age cannot be held responsible for the commission of an act constituting an offence, being liable solely to the measures provided for in the Juveniles Act.

176. The court shall impose one of the following measures a juvenile who perpetrates an offence: a reprimand; delivery into the custody of a parent or guardian; enrolment in vocational training at one of the institutions stipulated in a decision issued by Minister of Labour and Social Development; the imposition of specific obligations; judicial probation; placement in a governmental or private-sector social welfare institution; or placement in a specialized hospital.³⁸

177. Challenges to judgments in absentia shall be admitted from both the accused and the civil rights officer within the seven days following the notice given to the accused in respect of that judgment. That notice may contain a summary of the judgment in the form determined by the Minister of Justice. However, if the notice with respect to the judgment is not given to the accused in person, the time limit for the challenge in respect of the penalty handed down shall commence from the date of his knowledge of the notice, otherwise the challenge shall be permitted until the case is extinguished by reason of lapse of time.

178. Both the accused and the Public Prosecution Office may appeal judgments handed down in criminal cases by courts of first instance. Judgments in civil cases may be appealed by the civil rights prosecutor, the authority responsible for upholding those rights or the accused in respect of civil rights only, if the compensation requested exceeds the compensation stipulated in the court's final judgment.

179. Litigants may appeal final judgments handed down in civil, commercial and criminal cases and in non-Muslim personal status cases before the Court of Cassation, in accordance with the Court of Cassation Act. An appeal may not be lodged with that Court against a judgment before a ruling is handed down in the case, unless that appeal will obstruct the proceedings.³⁹

180. Both the Public Prosecution Office and the convicted person have the right to lodge an appeal with the Court of Cassation against final judgments in criminal cases handed down by the Supreme Court of Appeal or the High Criminal Court; the Court of Cassation is the appellate body with which appeals can be lodged against judgments handed down for misdemeanours and felonies in the following cases:

(a) If the contested judgment is based on a violation of the law or an error in its application or interpretation;

(b) If the judgment is vitiated or a procedure affecting the judgment was vitiated;

(c) Even if it is believed that procedures have been followed correctly in the case, the plaintiff has the right, if those procedures are not detailed in either the record of the proceedings or the judgment, to attempt to prove using any method that those procedures have been ignored or violated. If, on the other hand, those procedures are detailed in either the record of the proceedings of the judgment, the appellant can only claim that they were not followed correctly by claiming that the record of the proceedings has been falsified.

³⁸ Juveniles Act of 1967, as amended.

³⁹ Court of Cassation Act of 1989, as amended, art. 4.

181. Except for the offences set forth in article 6 of the Criminal Code, a case may not be brought against an individual who has already been acquitted by a foreign court of the charges against him or convicted by a foreign court in accordance with a final judgment and has served his sentence or has been exempted from that punishment owing to a lapse of time.⁴⁰

182. Section IV articles 307, 308, 309, 310 and 311 of the Code of Criminal Procedure refers to the force of final judgments. Article 308 specifically states that “Once a final judgment has been pronounced in a criminal action, it is not permissible to institute further such proceedings on the basis of new evidence, new circumstances or a change in the legal definition of the offence”.

183. The Supreme Judicial Council has conducted and continues to hold training courses for members of the judiciary on the rights of accused persons and pre-trial and trial guarantees, including through the continuing education programme for the judiciary.

Article 15

Application of criminal law

184. Article 20 (a) of the Constitution provides that there shall be no crime or punishment except as defined by law and penalties shall be imposed only in respect of acts committed after the entry into force of the law pertaining thereto.

185. The law in force at the time of commission of the offence shall apply. To determine the time thereof, reference shall be made to the time of the commission of the relevant act, regardless of the time of its result. However, if one or more relevant laws have been enacted after the perpetration of the offence but before a final judgment in the case has been issued, the less onerous of such laws shall be applied against the accused. Furthermore, the more favourable provisions of that law shall apply if exclusion of other provisions is practicable. If, after the final judgment, a law is enacted that stipulates that the act for which the accused has been convicted is no longer a punishable offence, the enforcement of the said judgment shall be suspended and the act shall no longer be deemed a criminal offence. If the new law reduces the penalty, the court that issued the final judgment may apply the provisions of the new law at the request of the convicted person or the Public Prosecutor.⁴¹

186. If a law that is promulgated for a limited period criminalizes an act or omission or increases the penalty prescribed for that act, the expiry of this period does not preclude its application for any offence that occurred during that period once criminal proceedings have commenced.⁴²

Article 16

Legal personality

187. National legislation provides for the right of a person to be recognized as a legal person; this right is guaranteed in article 9 of the Bahraini Civil Code, which provides that legal personality commences from the time a child is born alive and ends at death, notwithstanding the rights in respect of foetuses in the womb, as well as missing and absent persons. Needless to say, birth and death certificates are issued in accordance with the relevant law.

188. The Civil Code also specifies the ages of legal capacity, namely the ages at which a person is subject to the law. There are two forms of legal capacity under the law:

(a) Legal agency: an individual is eligible to exercise civil rights by virtue of having reached a certain legal age. Adults enjoy full eligibility in that regard, while children enjoy limited eligibility;

⁴⁰ Criminal Code, art. 1.

⁴¹ Criminal Code, art. 1.

⁴² Criminal Code, art. 2.

Under article 4 of the Child Act (Act No. 37 of 2012), a child means every person under 18 full Gregorian calendar years of age, in accordance with the laws in force for those under that age. Proof of age shall be provided by the child's birth certificate, identity card or any other official document. Furthermore, under the Child Act, children have the right to a name that distinguishes them from others and the name of each child must be registered in the Register of Births, in accordance with the Registration of Births and Deaths Regulatory Act. Under Legislative Decree No. 17 of 1998, which amended certain provisions of Legislative Decree No. 6 of 1970 on the regulation of the registration of births and deaths, it is a criminal offence to give a child a name that is derogatory or degrading to his dignity or contrary to religious beliefs.

(b) Legal standing: an individual holds legal rights from birth, and even before birth as a foetus in the womb.

189. Article 9 of the Civil Code provides that legal personality commences from the time a child is born alive and ends at death, notwithstanding the rights in respect of foetuses in the womb, as well as missing and absent persons. Births and deaths are registered in official records established for that purpose. Under the Child Act, every child has the rights to maintain his or her identity, including his or her nationality and family ties, in accordance with the laws in force, and the right to have a name and nationality to be registered at birth.

190. Article 6 of the Child Act provides that children have the right to a name that distinguishes them from others and the name of each child must be registered at birth in the Register of Births, in accordance with the Registration of Births and Deaths Regulatory Act.

191. The age of the child shall be established by birth certificate, personal identification card or any other official document.

192. Furthermore, under Bahraini law, a Bahraini embassy or consulate must be informed, in person or by registered mail, of the birth of a child during a period of residency or travel outside Bahrain within 15 days of that child's birth or the date on which the destination is reached. As regards children of unknown parentage, article 5 of Legislative Decree No. 12 of 1989 amending the Bahraini Nationality Act of 1963 stipulates that a child shall be considered to be Bahraini if he or she is born in Bahrain to unknown parents and shall be considered to have been born in Bahrain unless it is proven otherwise.

193. Act No. 35 of 2009 concerning the treatment of a foreign wife of a Bahraini national and the children of a Bahraini woman married to a foreign man on equal terms with Bahraini nationals in respect of fees for government services provides that a foreign wife of a Bahraini national and the children of a Bahraini woman married to a foreign man shall be treated as Bahraini citizens in all matters pertaining to fees for government health and educational services and for residency.

194. Legislative Decree No. 12 of 1989 also provides for Bahraini nationality to be granted to a minor child when the father of that child acquires Bahraini nationality. That nationality is granted to the child immediately if the father acquires Bahraini nationality in accordance with article 6 of Bahraini Nationality Act, which regards Bahrainis who have obtained citizenship by naturalization.

Article 17

Privacy

195. The Constitution of Bahrain and relevant laws guarantee the protection of the privacy of persons, the inviolability of their homes and the confidentiality of their correspondence. In that regard, article 19 of the Constitution stipulates as follows:

“(a) Personal liberty shall be guaranteed by law.

(b) No one shall be arrested, detained, imprisoned, searched, compelled to reside in a specified place or restricted in his liberty of residence or movement except as provided by law and under the supervision of the judiciary. (...)”

Article 25 of the Constitution provides:

“Homes shall be inviolable and shall not be entered or searched without the permission of their occupants except in cases of extreme necessity and in the manner provided for by law.”

Article 26 of the Constitution provides:

“Freedom of postal, telegraphic and telephone communications shall be safeguarded and their confidentiality shall be guaranteed. Communications shall not be censored nor shall their confidentiality be violated except in cases of necessity provided for by law and in accordance with the procedures and guarantees specified therein.”

196. Bahraini laws and other legislative instruments also uphold the right of every person to the protection of the law against such interference or attacks.

Article 18

Freedom of thought, conscience and belief

197. By virtue of its composition, Bahraini society is noted for its openness and its numerous religions, confessions and sects. There are no restrictions in Bahraini laws or the country’s Constitution that prohibit individuals from converting to the religion or sect of their choice. Article 22 of the Constitution stipulates that: “Freedom of conscience shall be absolute and the State shall guarantee the inviolability of places of worship, as well as freedom to engage in religious observances and to participate in religious processions and meetings in accordance with the customs observed in the country.” Everyone thus enjoys complete freedom to adhere to any religion or embrace the religion or belief of his or her choice, as well as freedom to manifest his or her religion or belief in worship, observance, practice and education, individually or collectively, and in public or in private. To uphold those constitutional principles, articles 309, 310, 310 *bis*, 311, 312 and 315 of the Criminal Code provide for the offence of contempt of religion, and prohibit contempt for religious confessions or their observances and attacks on religious or related sites.

198. Bahrain has taken the necessary steps to foster a climate of religious, intellectual and sectarian freedom, including, most importantly, responding immediately to any infringements by individuals or groups of the right to adhere to any religion or sect. The Ministry of Justice, Islamic Affairs and Endowments takes action to combat all calls for discrimination or violence and the dissemination of hate speech targeting individuals, religions or sects on the basis of religion or belief. The Ministry also organizes a range of activities on a regular basis in Bahrain’s various governorates with a view to raising awareness of religious, intellectual and sectarian freedom; those activities include seminars, conferences and training courses, as well as meetings and workshops for imams, preachers and other relevant stakeholders. The Ministry of Social Development also addresses the concerns of adherents to non-Muslim faiths and ensures that they are able to perform their rituals and rites in complete freedom, including by issuing permits to adherents of other religions for the construction of houses of worship and other activities related to their religion beliefs.

199. To support those efforts by the Government, the Ministry of Education is paying particular attention to ensuring that young people have an accurate understanding of different cultures, religions and beliefs and understand the need for tolerance, so that future generations in Bahrain accept and respect religious and cultural diversity and reject discrimination based on religion or belief. The Ministry of the Interior is, moreover, taking necessary measures to prevent acts of violence perpetrated on grounds of religion or belief, and any such acts against the homes, property, schools or cultural centres of adherents to those religions or beliefs.

200. With a view to upholding the rights of adherents to other religions and combating impunity, Bahrain’s judicial authorities exert every effort to prosecute abuses and bring to justice the perpetrators of offences involving intolerance and religious hatred. Those authorities impose appropriate penalties on all perpetrators of such offences following

impartial investigations by the Public Prosecution Office and transparent trials that are open to the public until the final judgment is handed down.

201. In addition to the above, and in light of potential negative repercussions that could occur within the region and beyond, Bahrain's political leaders are supporting a series of wide ranging and comprehensive initiatives to foster dialogue among religions, religious sects and cultures with a view to combating religious hatred and intolerance and strengthening democracy. Among the most important of those initiatives was the 10th Islamic-Christian Dialogue Conference, held in Bahrain in 2002, and the International Dialogue of Civilizations and Cultures Conference, held in May 2014, which was attended by more than 200 prominent intellectuals and scholars belonging to various world religions. An atmosphere of respect among religions, faiths and cultures prevailed at the Conference, which discussed a wide range of ideas in a frank and constructive manner.

202. To combat intolerance and negative stereotyping, Bahrain's Government and political leaders are making every effort to ensure that public officials do not discriminate against any individual on grounds of religion or belief when carrying out their public duties. They are also striving to promote religious freedom and pluralism by strengthening the capacity of members of all religious communities to manifest their religion and contribute publicly to society on an equal footing. Bahrain is taking steps to ensure that all communities within society are represented and can participate meaningfully in Government, irrespective of their religion or beliefs. The Government is also striving to ensure that everyone enjoys freedom of thought, conscience, religion and belief, including the freedom to and convert to a religion or belief of choice, as well as the freedom to manifest a religion or belief in worship, observance, practice and education, either individually or as part of a group, and in public or in private. In that regard, Bahrain is one of the first countries in the region and the Arab world to be known for its tolerance and intellectual and religious pluralism — proof indeed that the leadership, Government and people of Bahrain are all determined to protect everyone from intolerance and negative stereotyping. The Bahraini Government will continue to promote progress in this area, uphold human rights and combat all forms of discrimination on grounds of religion or belief.

Article 19 Freedom of Opinion and Expression

203. The Government of Bahrain is eager to provide the right climate for freedom of thought, conscience, religion and belief, combat religious hatred and disseminate a spirit of tolerance throughout the country, and endeavours to safeguard that climate through the Constitution, as well as through national laws, regulations and enforcement mechanisms. Article 18 of the Constitution of the Kingdom prohibits discrimination and violence on any grounds and stipulates that: "All persons shall be equal in human dignity and all citizens shall be equal before the law in regard to their public rights and obligations without discrimination among them on grounds of race, origin, language, religion or belief." Articles 23 and 24 enshrine the human right to express and propagate one's opinion, orally, in writing or by any other means, and provide for freedom of the press, printing and publishing, in accordance with the conditions provided by law. Article 31 of the Constitution provides that: "The public rights and freedoms provided for in this Constitution shall be regulated or defined only by, or in accordance with, a legislative enactment. Such regulation or definition shall not detract from the essence of the right or freedom concerned." Regulation or definition shall, moreover, be implemented without prejudice to the principles of the Islamic faith and national unity, and in a manner that does not cause social or intercommunal strife.

204. Mindful of Bahrain's civilizational and cultural diversity and its centuries-old intellectual, religious and sectarian pluralism, the Bahraini legislature has striven to entrench the concept of equality through legislative instruments that provide robust protections for people's rights.

205. The Kingdom of Bahrain is, moreover, committed to protecting freedom of opinion and expression by promoting the concepts of responsible freedom, transparency and disclosure. By so doing, Bahrain seeks to prevent any attacks on other people's rights, freedoms or beliefs, any attempts to undermine established religious and cultural principles, any incitement to sectarianism, and any calls for hatred or violence, in accordance with the Constitution, national legislation and the international human rights instruments to which Bahrain is a party. With regard to the media and the press, for example, legal, professional and technological developments in Bahrain are strengthening the right to expression of opinion in the media and when using other means of communication and ensure that, subject to legal and professional norms, people enjoy the freedom to seek, receive and impart information and ideas, in accordance with the provisions of the Covenant and universal human rights standards. In that regard, several articles of the Regulation of the Press, Printing and Publishing Act, promulgated by Legislative Decree No. 47 of 2002, provide for freedom of the press and the protection of the rights of journalists and media professionals to express their views freely and independently, as well as the right to access and disseminate information. The guarantees provided by that Act include the following:

- Journalists are independent and are under no authority but the law. No opinion or true information revealed by a journalist shall pose a threat to his safety. A journalist shall never be compelled to reveal the source of his information. All this shall be within the limits of the law;⁴³
- Journalists have the right to obtain and publish information, statistics and news that may be legally disseminated from their sources. All restrictions that impede the flow of information, cause unequal access to information for newspapers or violate citizens' right to knowledge are prohibited, provided they do not undermine national security and the nation's vital interests. In carrying out their work, journalists have the right to attend conferences, sessions and public meetings in accordance with relevant rules and regulations;⁴⁴
- Anyone who insults a journalist or assaults him because of his work shall be liable to the penalties prescribed for assaulting a public official or public service provider that are stipulated in articles 219 to 222 of the Criminal Code;⁴⁵
- The relationship between a journalist and a newspaper shall be governed by the terms of the journalist's work contract in a manner that does not contradict the peremptory norms of the Private Sector Employment Act. A journalist may be dismissed from his job only after the Bahraini Journalists Association has been informed of the grounds for dismissal. If the Association fails to reconcile the newspaper and the journalist, the provisions of the Private Sector Employment Act shall apply to the dismissal of the worker;⁴⁶
- The Bahraini Journalists Association is the sole authority with responsibility for disciplining journalists and investigating complaints made against them in order to ascertain whether sufficient evidence supports the claims made in any complaint.⁴⁷

206. To uphold these instruments, the law provides that no journalist may be imprisoned intimidated, oppressed or humiliated for exercising the legal and constitutional right to freedom of expression. No press or media establishment shall be closed for exercising freedom of expression, in accordance with rule of law and the independence and impartiality of the judiciary.

207. Furthermore, Bahrain's executive and legislative authorities are currently drafting a new press law that will be more detailed and comprehensive than the current Regulation of the Press, Printing and Publishing Act and will further clarify the regulations on the licensing of newspapers, publications and other media.

⁴³ Regulation of the Press, Printing and Publishing Act, arts. 29 and 30.

⁴⁴ Regulation of the Press, Printing and Publishing Act, arts. 31 to 33.

⁴⁵ Regulation of the Press, Printing and Publishing Act, art. 34.

⁴⁶ Regulation of the Press, Printing and Publishing Act, arts. 35 and 35.

⁴⁷ Regulation of the Press, Printing and Publishing Act, art. 65.

Article 20

Prohibition of propaganda for war and incitement to hatred or violence

208. Bahraini society is an open society characterized by moderation, tolerance and an acceptance of others. Articles 30 (a) and 36 of the Constitution provide that peace is the objective of the State and offensive war is unlawful. In the light of the pivotal role it plays in safeguarding and promoting the advancement of all communities within society with a view to enhancing social security and fostering peaceful coexistence, the Ministry of Justice, Islamic Affairs and Endowments has given priority attention to overseeing, monitoring and analysing religious discourse, and has drawn up a comprehensive national strategy to address social issues and the negative repercussions of extremist ideologies by ensuring that religious discourse reflects current realities. In this manner the Ministry aims to promote social unity, strengthen national cohesion, and eradicate distorted ideologies that give rise to radicalization and extremism. The main features of the national strategy include the following.

209. Conferences, seminars and conferences. The Ministry of Justice, Islamic Affairs and Endowments organizes a number of annual courses, seminars and workshops to enhance religious discourse with a view to combating extremism, hate speech, sectarianism and discrimination, strengthening respect for the specificities of other sects and confessions and promoting recognition of Bahrain's intellectual pluralism and cultural diversity. Bringing Islamic discourse up to date will deepen understanding of the true foundations and moderate nature of our Islamic religion and strengthen respect for its principles while also allowing for the latest developments and changes to be taken into account. The Ministry has been holding annual courses for imams, preachers and promoters of the Islamic faith since 2009.

210. The Ministry of Justice, Islamic Affairs and Endowments has also held a number of conferences and meetings that were attended by numerous religious scholars, intellectuals and interested people from all walks of life from Bahrain and abroad. Among the most important of those initiatives was the 10th Islamic-Christian Dialogue Conference, a conference on ways to draw the different schools of Islamic law closer together, and the International Dialogue of Civilizations and Cultures Conference.

211. Moral instruction and guidance: The Islamic Affairs Department oversees and monitors moral instruction and preachers through an integrated year-round programme run in close collaboration with various national institutions, including schools, reform and rehabilitation homes, mosques and the media.

212. Islamic science institutes:

(a) The Islamic Affairs Department at the Ministry of Justice, Islamic Affairs and Endowments educates and trains students of Islamic science at its Islamic science institutes in accordance with sound Islamic principles, thereby deepening students' understanding of Islam's moderate nature and encouraging critical thought, in line with Islamic principles that foster intellectual development and a commitment to wisdom. The Ministry is developing a study programme for those institutes and mechanisms for monitoring and evaluating the programme's content;

(b) The Ministry is also developing a methodology for reviewing and revising the curriculums and courses taught in the religious institutes and foundations that receive support from the Supreme Council for Islamic Affairs to ensure that those curriculums and courses adopt rational approaches that draw on the concept of moderation and the principle of respect for the specificities of other sects and confessions;

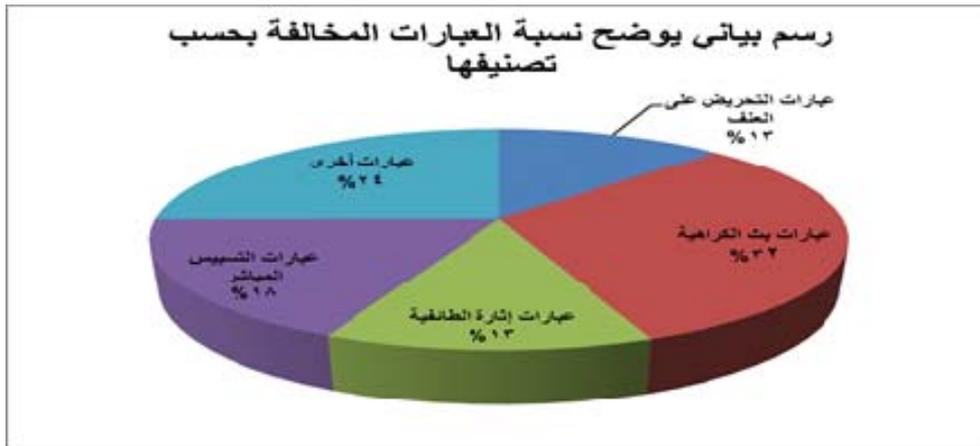
(c) Monitoring and analysing of Friday sermons: given the importance of Friday sermons as the main vehicles for religious discourse and their impact on society, and with a view to ensuring that religious discourse adheres to its ethical standards and rules, the Ministry works closely with relevant stakeholders to monitor all aspects of this issue with a view to upholding respect for the specificities of the country's sects and confessions and safeguarding Bahrain's national fabric.

213. Article 23 of the Constitution provides that: “Freedom of opinion and of scientific research shall be guaranteed. Everyone shall have the right to express and propagate his opinion, orally, in writing or by any other means, in accordance with the legally specified conditions and procedures, without prejudice to the precepts of the Islamic faith and to national unity and in a manner that does not give rise to discord or sectarianism.” In accordance with that article and relevant legislative instruments, the Ministry of Justice, Islamic Affairs and Endowments pays particularly close attention to Friday sermons. A select group of Islamic scholars at the Ministry analyses Friday sermons on a weekly basis and is particularly vigilant with regard to four key concerns, namely the dissemination of hatred, incitement to violence, the promotion of sectarianism, and the use mosque pulpits and other forums for the blatant promotion of political agendas. The Ministry takes a number of measures with regard to perpetrators of those acts, including providing them with counselling, issuing warnings and ordering suspensions.

214. A dedicated body within the Ministry been working with relevant stakeholders to monitor sermons and religious discourse at places of worship since 2012. The following table provides an overview of the number and type of prohibited statements ascertained to have been made by preachers and religious clerics at houses of worship overseen by the Sunni and Ja’afari religious endowments. In that regard, a total of 812 prohibited statements in a number of subject areas have been made. The figures below the table provide an overview of the number of preachers against whom measures have been taken following their delivery of sermons that disseminated hatred and encouraged violence and sectarianism.

Type of prohibited statement	Number	Percentage (%)
Incitement to violence	105	13
Dissemination of hatred	256	32
Promoting sectarianism	104	13
Blatantly political statements	148	18
Other statements	199	24
Total	812	100





215. It should be noted that the use of the media by certain entities abroad to make hostile and inflammatory statements poses a major challenge to Bahrain's tolerant and cooperative society. The negative repercussions of those statements have, moreover, been exacerbated by technological advances in the media and social media fields; the international community must therefore redouble its efforts to ensure that media and social media platforms are used in a responsible manner so that they benefit all of humanity, facilitate cooperation among societies and promote those societies' prosperity and security.

Article 21 The right to peaceful assembly

216. Bahrain is one of the staunchest defenders of the right to peaceful assembly, in accordance with its Constitution and the laws on peaceful gatherings. In that regard, article 28 of the Bahraini Constitution stipulates that:

“(a) Individuals shall have the right to assemble without the need for prior notification or permission and no member of the security forces shall be permitted to attend such private meetings.”

“(b) Public meetings, processions and gatherings shall be permitted in accordance with the legally specified conditions and procedures, provided that their purposes and means are peaceful and consistent with public morality.”

217. Legislative Decree No. 18 of 1973 on Public Meetings, Demonstrations and Gatherings, as amended by Act No. 32 of 2006, provides a supportive regulatory framework on public freedoms that guarantees that all citizens can exercise all their rights, including their right to freedom of expression and to peaceful assembly, and establishes rules to ensure that the exercise of those rights does not undermine the security and stability of society. Article 2 (a) of Act No. 32 sets forth a number of requirements, including the requirement to notify the head of Public Security at least three days before a public meeting is held; that notification must specify the time, place and topic to be addressed at the meeting. Informing the ministry of public meetings, demonstrations and gatherings allows the public security authorities to take the necessary precautions to maintain public order and protect the organizers of the meeting, demonstration or gathering; marches, demonstrations and gatherings are prohibited in the vicinity of hospitals, airports, localities that are subject to particularly strict security measures and shopping malls. These requirements and conditions are similar to those set forth in international instruments guaranteeing the right to peaceful assembly.

Article 22 Freedom of association, including the right to form unions

218. Article 27 of the Constitution stipulates: “Freedom to form associations and trade unions, on a national basis, for lawful purposes and by peaceful means, shall be guaranteed

in accordance with the legally specified conditions and procedures, without prejudice to the fundamentals of religion and public order. No one shall be compelled to join or remain in any association or trade union.”

219. Trade unions and the chambers of commerce:

(a) Act No. 33 of 2002 on trade unions regulates all technical and administrative aspects of the work of trade unions. The Bahrain Chamber of Commerce and Industry, which represents employers, is regulated by Legislative Decree No. 48 of 2012 on the Bahrain Chamber of Commerce and Industry;

(b) Article 4 of the Trade Unions Act, and article 3 of the Bahrain Chamber of Commerce and Industry Act provide for the independent legal identity of those bodies, and their right to draw up their constitutions and internal regulations, without prejudice to the laws in force in Bahrain;

(c) Through the Ministry of Labour and Social Development, Bahrain endeavours to strengthen its social partnership with both workers and employers in order to advance the interests of the labour force and the nation. The three parties hold consultations and coordinate actions on various issues related to improving the working environment and the skills of workers, and promoting sustainable development in the labour market.

220. Political associations: these associations are regulated by Act No. 26 of 2005 on political associations, which stipulates the mechanism and rules for their establishment, their legal status and the activities they can perform.

221. Article 21 of that Act states that: “An association shall not be dissolved or compelled to cease its activities and its leaders shall not be dismissed except in accordance with the provisions of that association’s statute or by order of the High Civil Court.”

222. Social and cultural associations and clubs:

(a) The activities of associations and clubs are regulated by the Social and Cultural Associations and Clubs, Private Youth and Sports Organizations and Private Institutions Act, issued by Legislative Decree No. 21 of 1989;

(b) Those associations have legal identity from the date on which their registration is published in the Official Gazette, in accordance with the provisions of that Act. In order for an association to be established, written statutes for that association must be drawn up and signed by the founders of that association.

223. Approximately 617 civil society organizations have been registered under the Social and Cultural Associations and Clubs, Private Youth and Sports Organizations and Private Institutions Act, issued by Legislative Decree No. 21 of 1989, as amended, and some 20 political associations operate in accordance with the provisions of Act No. 26 of 2005 on political associations. Approximately 91 trade unions have been established in accordance with the provisions of the Trade Unions Act, issued by Legislative Decree No. 33 of 2002, as amended.

Article 23

The family

23.1 Constitutional and legislative provisions

224. As regards protections for the family, article 5 of the Constitution stipulates as follows:

“(a) The family, which derives its strength from religion, morality and patriotism, is the cornerstone of society. The law shall protect its legal structure, strengthen its bonds and values and protect mothers and children within its bosom. The law shall also provide for the welfare of the rising generation, protect them from exploitation and shield them from moral, physical and spiritual neglect. The State shall show particular concern for the physical, moral and intellectual development of young persons;

“(b) The State shall ensure that women are able to reconcile their family responsibilities with their work in society and shall guarantee their equality with men in political, social, cultural and economic life without prejudice to the Islamic sharia.”

225. Act No. 58 of 2009 on the rights of elderly persons, promulgated with a view to providing protections and ensuring care for elderly persons, draws on a number of fundamental principles, namely the need to ensure that the concerns and needs of elderly persons lie at the core of national social and economic policies, the need for plans and programmes that enhance their quality of life, and the importance of encouraging elderly persons to continue to participate in society and share their expertise and skills. The Act underscores the need for an integrated approach involving families, the State, and civil society to ensure that the elderly receive appropriate care, and are aware of and are empowered to exercise and enjoy their rights.

23.2 and 23.3 Family Provisions Act

226. The Family Provisions Act (Section I), promulgated by Act No. 19 of 2009, regulates family relations in matters of marriage and its legal effects, divorce and the custody of children.

227. Within the context of efforts to raise awareness of the need for a unified family provisions act with a view to uphold the rights of women, ongoing community-based efforts are being made, in collaboration with the country’s legislative Powers, namely the Chamber of Deputies and the Consultative Council, to promulgate necessary legislation, and a draft unified family provisions act has already been submitted to those Powers.

228. In 2015, Bahrain adopted Act No. 17 on the protection from domestic violence and, in November of that year, the Supreme Council for Women launched the National Strategy on the Protection of Women against Domestic Violence.

229. Legislative Decree No. 22 of 2015 amending certain provisions of the Sharia Courts Procedure Act promulgated by Legislative Decree No. 26 of 1986 stipulates that family disputes must be submitted to the Domestic Reconciliation Office before they are brought before the sharia courts.

230. Legislative Decree No. 23 of 2015 amending certain provisions of the Court of Cassation Act promulgated by Legislative Decree No. 8 of 1989 provides for the Court of Cassation to hear appeals against judgments handed down by sharia courts, including judgments handed down in divorce cases.

231. Minister of Justice, Islamic Affairs and Endowments Decision No. 84 of 2015 on the establishment of the Domestic Reconciliation Office establishes rules and procedures for settling family disputes and stipulates that family disputes must be submitted to the that Office before they are brought before the sharia courts.

232. The Domestic Reconciliation Office seeks to resolve problems between spouses, first by reconciling the spouses with each other and then by facilitating agreement on the terms of conciliation and ensuring compliance with marital and family obligations. This is done without prejudice to the legally-established jurisdiction of the sharia courts with regard to disputes. The Office tries to expedite the resolution of marital disputes, and ensure that children of divorcees do not suffer psychological damage because of those disputes or other problems, including those related to maintenance or child custody, all of which have a direct impact on family stability and the cohesion of society. These services are provided in implementation of the plans and programmes drawn up under the axis entitled “ensure family stability within the framework of family cohesion” of the National Plan for the Advancement of Bahraini Women with a view to addressing the social and economic factors impeding women’s key role in development. Activities undertaken in that regard promote the physical and psychological well-being of families, ensure that families can continue to meet their economic and social needs, and empower women to become more self-reliant, thereby promoting the safety and security of all family members.

233. On 7 January 2015, the Cabinet decreed that a husband’s salary must be considered separately from the salary of his wife when calculating the basic income of a head of household in applications for housing assistance.

234. Minister of Housing Decision No. 12 of 2004 on the eligibility of Bahraini women for housing assistance grants women with children, divorced women and widows the right to apply for housing assistance.

235. Article 3 of Minister of Housing Decision No. 909 of 2015, issued on 1 October 2015, provides for a “fifth category” which comprises divorced or abandoned women, childless widows and single orphaned women; the Housing Committee may, at its discretion, offer temporary accommodation to women in that category.

236. Article 18 of the Bahraini Constitution guarantees equality before the law in public rights and duties, while the Family Provisions Act (Section I), promulgated by Act No. 19 of 2009 stipulates the rights of the family and the legal status of all its members during marriage and following the end of a marriage with a view to upholding the rights of all parties. The Act also prohibits forced marriages and stipulates that a marriage cannot be contracted without the woman’s consent.

237. Appropriate measures have been implemented with a view to ensuring respect for the rights and duties of spouses and protecting their children.

238. It should be underscored that a number of relevant authorities, including, in particular, the Supreme Council for Women and the Ministry of Labour and Social Development, as well as civil society organizations, continue to exert significant efforts with a view to strengthening protections for the family.

Article 24

Protection of Children

239. Bahrain acceded to the Convention on the Rights of the Child pursuant to Legislative Decree No. 16 of 1991. The Convention, which was adopted by the General Assembly in November 1989, stipulates the following:

Article 2:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.

Article 7:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents;

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference;

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

240. According to Central Informatics Organization statistics for 2010, children between 0 and 18 years of age comprise approximately 43 per cent of population. In view of the importance of that period in life in determining someone's character and in providing children with the foundations they need to grow up to be upright citizens, the National Committee for Childhood, established in 1999, has given priority attention to achieving one of its key goals, namely the development of a national strategy for children on the basis of the country's Constitution and the Convention on the Rights of the Child, which Bahrain ratified in 1992. To that end, the National Committee for Childhood signed an agreement with the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) in June 2010, to design Bahrain's first strategy for children to address all aspects of that period in life.

241. The National Action Charter and the country's legislation made explicit reference to the rights of the child and affirm Bahrain's obligation to act in the best interests of children and take their views into account. Bahrain is giving priority attention to promoting, strengthening and safeguarding the rights of the child in its work to uphold human rights.

242. Pursuant to Decree No. 64 of 2013 on the formation of the National Committee for Childhood, issued on 26 September 2013, the Committee is tasked, *inter alia*, with proposing a national childhood strategy to help relevant bodies design and enhance projects and programmes that promote and protect children's rights.

243. The National Childhood Strategy takes into account the characteristics, needs and requirements of children and the nature and culture of Bahrain's sharia-based society. The Strategy was developed on the basis of the findings of a 2010–2011 analysis of the status of children in Bahrain. It also draws on relevant studies and available information, including information obtained in consultations with male and female adolescents in Bahrain, and other national plans and strategies, including the National Plan for the Advancement of Bahraini Women, the National Youth Strategy, the country's health and education strategies and social development plans, the National Strategy for Persons with Disabilities, and Bahrain's Economic Vision 2030.

244. The National Childhood Strategy sets forth four main axes, which are the same axes that guide the Convention on the Rights of the Child, namely:

- (a) The right to health and survival;
- (b) The right to education and capacity development;
- (c) The right to protection;
- (d) The right to participation and non-discrimination.

245. In its treatment of each axis, the Strategy outlines the current status of that axis in Bahrain, explains relevant concepts and terminology, and provides key statistics and analysis of the environment for children in that regard, both at home and abroad. It also set forth goals for each axis and working mechanisms by which those goals can be achieved.

246. The overall objectives of the National Childhood Strategy can be summarized as follows:

- (a) Define the basic social, educational, health, psychological and physical needs of children with a view to coordinating efforts by relevant stakeholders active in those areas to promote children's physical, cognitive, social and emotional development;
- (b) Foster an appropriate environment of policies, legislation, programmes and services that ensure that children survive and grow, and that address their needs, provide them with protections and promote their active participation in society, with a view to promoting children's balanced and comprehensive development;
- (c) Increase the awareness of families and society of child-related issues, the importance and main features of childhood and the needs of individuals at that stage in their lives, and provide necessary support to achieve that objective;
- (d) Establish an integrated, comprehensive and coordinated work plan to address the challenges faced by children in Bahrain as well as the opportunities available to them;

- (e) Provide support and resources to implement child development initiatives at all levels;
- (f) Establish new and effective mechanisms to promote cooperation and coordination among all parties concerned with child development and protection, including government and civil society institutions and private sector actors.
- (g) Establish a mechanism for evaluating child-sector initiatives in order to increase their effectiveness.

247. The National Childhood Strategy aims to provide a procedural framework for all organizations and institutions promoting the survival, development, protection and engagement of children. The Strategy supports the aspirations of Bahraini society, as outlined in the country's Economic Vision 2030; those aspirations can be summarized as follows:

- (a) Providing equal opportunities to citizens with a view to achieving the pillars of the Economic Vision, namely justice, competitiveness and sustainable development;
- (b) Enabling all citizens and residents of Bahrain to obtain quality health care;
- (c) Ensuring that Bahrainis enjoy access to the highest level of education, through which they can continue to acquire the skills required to achieve their aspirations;
- (d) Providing a safe and stable environment;
- (e) Ensuring that citizens and residents in Bahrain enjoy a safe and pleasant living and cultural environment.

248. The great importance that Bahrain attaches to the well-being of children is reflected in enactment by the Bahraini legislature of the Child Act (Act No. 37 of 2012), which protects children and mothers, provides children with a nurturing environment and fosters conditions that support their development. The Act stipulates, *inter alia*, the following:

Article 1: The State shall guarantee the protection of mothers and children and the welfare of children, and shall create appropriate conditions to ensure that they are raised in a manner that is sound from all points of view.

Article 2: The State shall guarantee to the child the enjoyment of the rights provided for in that Act without discrimination on grounds of gender, origin, colour, disability, language, religion or creed, subject to the privileges and provisions of other applicable laws relating to Bahraini children.

Article 5: The child may not be attributed to persons who are not his parents and adoption is prohibited.

Article 6: Every child shall have the right to have a name that distinguishes him from others. That name shall be registered at birth in the Register of Births, in accordance with the provisions of the Registration of Births and Deaths Regulatory Act. The name shall not be derogatory or degrading to the dignity of the child or contrary to religious beliefs.

249. The State shall, through its laws, guarantee to the child the enjoyment of all rights without discrimination on grounds of gender, origin, colour, disability, religion or creed, subject to the privileges and provisions of other applicable laws relating to Bahraini children.

250. The best interests of the child shall be the primary consideration in all decisions or measures affecting children, regardless of the agency issuing or implementing them.

251. The Act also provides for the care of children of unknown parentage, orphans and children with disabilities.

252. The Child Act contains an entire chapter on the protection of children from abuse and provides that the State shall guarantee the protection of children in cases of ill-treatment or neglect. In implementation of the Child Act, the Ministry of Labour and Social Development has established the Bahrain Centre for Child Protection, which is the central protection authority and is responsible for assessing, providing shelter to and

monitoring children subjected to ill-treatment. The Centre also coordinates the services offered to these children and their families by relevant authorities. The Centre takes all steps and exercises all competencies necessary to protect children from abuse.

253. Bahrain attaches great importance to children's development, and the country's development centres offer projects and programmes to unleash the creativity of children and promote their cultural, educational, social and recreational development. Those centres also run science camps that allow children to learn from new experiences that develop their love for knowledge and discovery. They also provide children with opportunities to take part in gatherings and exhibitions both at home and abroad where they can present their projects and ideas and gain new experiences and insights that further stimulate their sense of creativity.

254. As for the right of children to acquire citizenship, the Bahraini Nationality Act of 1963, as amended, regulates the conditions under which a child may acquire nationality, which may be by birth or by any other method provided by law. The Act stipulates that a child has the right to acquire Bahraini nationality if that child is born in Bahrain to unknown parents and shall be considered to have been born in Bahrain unless it is proven otherwise.

255. Article 4 of that Act stipulates that a person is deemed to be Bahraini:

(a) If he was born in or outside Bahrain to a father who was Bahraini at the time of the birth;

(b) If he was born in or outside Bahrain to a mother who was Bahraini at the time of the birth, in the event of the child's father being unknown or his paternity not being legally established.

256. Further national and international efforts are needed to protect children from political protests or social unrest, which can have significant negative repercussions on their mental state and behaviour, and prevent all attempts to involve children in such events.

Article 25

The right to participate in public life

257. Article 7 of the National Action Charter, which regards the right of the people to participate in public affairs, states that citizens, both men and women, are entitled to participate in public affairs and to enjoy political rights in the country, including the right to vote and to stand for election, in accordance with the provisions of the law.

258. The Constitution of Bahrain and its laws affirm those rights: the Constitution enshrines the right to participate in public affairs and to enjoy political rights, the right to vote and to stand for election, the right to take part in public referendums, and the right to hold public office, all without discrimination among citizens on grounds of gender, race, colour, language, religion or political opinion. The Constitution also affirms that those rights are neither prejudicial nor derogatory and that no citizen shall be deprived of the exercise of those rights except in accordance with the law.

259. Article 1 (e) of the Constitution provides that: "Citizens, both men and women, are entitled to participate in public affairs and to exercise political rights, including the right to vote and to stand for election, in accordance with this Constitution and the terms and conditions laid down by law. No citizen shall be deprived of the right to vote or to stand for election, except in accordance with the law."

260. Article 4 of the Constitution stipulates that: "Justice is the basis of Government. Cooperation and mutual respect create a firm bond between citizens. Freedom, equality, security, trust, knowledge, social solidarity and equality of opportunity for citizens are the mainstays of society and are safeguarded by the State."

261. Article 16 (b) stipulates that: "Citizens shall have equal access to public office in accordance with the conditions laid down by law."

262. Article 43 stipulates that: “The King may conduct a popular referendum on important laws and issues connected related to the interests of the country. The subject of the referendum shall be considered approved if it is endorsed by a majority of those who cast their votes. The result of the referendum shall be binding and effective from the date of its declaration, and shall be published in the Official Gazette.”

263. Chapter IV, section 3 of the Constitution sets forth the criteria for eligibility for membership of the Consultative Council and the Chamber of Deputies in the National Assembly. That section also sets forth the powers of the Consultative Council and the Chamber of Deputies, the rights and freedoms of members of the National Assembly, and the constitutional guarantees providing for the exercise of those rights by members through democratic means.

264. Attention is drawn to the fact that Article 57 in the same section was amended pursuant to the constitutional amendments of 2012, and a new provision on the conditions for membership of the Chamber of Deputies was added. That provision stipulates that:

“(a) Members of the Chamber of Deputies:

Must be Bahraini nationals. Persons who have acquired Bahraini nationality must have held that nationality for at least 10 years and must not hold the nationality of any another State, unless they hold the nationality of a member State of the Gulf Cooperation Council, in which case their original nationality must be Bahraini. They must enjoy all their civil and political rights and their names shall be included in an electoral list.”

265. That provision does not affect the right of persons who obtain Bahraini nationality to vote as soon as they acquire that nationality.

266. In line with that constitutional approach, Bahrain has promulgated numerous legal instruments guaranteeing the right to vote and stand in parliamentary and municipal elections, the right to administer public affairs, and the right to hold public office.

267. The Exercise of Political Rights Act, issued by Legislative Decree No. 14 of 2002, provides for the right to vote and to stand in parliamentary elections. Article 1 of that Act stipulates that citizens, both men and women, can exercise the following political rights:

(a) Expressing opinions in any referendum conducted in accordance with the Constitution;

(b) Electing members of the Chamber of Deputies.

Article 2 of that Act sets forth the requirements that voters must meet in order to exercise their political rights, namely that they must:

(a) Have reached the age of 20 years on the day of the referendum or election;

(b) Enjoy full legal capacity;

(c) Reside in an electoral district. If a voter resides outside Bahrain, his last address in Bahrain shall be considered his place of residence.

268. It should be noted that, pursuant to an amendment introduced by Act No. 36 of 2006, the minimum age for exercising political rights has been reduced from 21 to 20 years.

269. Members of the Chamber of Deputies must meet the following requirements:

They must be Bahraini nationals. If they have acquired Bahraini nationality, they must have held that nationality for at least 10 years and must not hold the nationality of any another State, unless they hold the nationality of a member State of the Gulf Cooperation Council, in which case their original nationality must be Bahraini. They must enjoy all their civil and political rights and their names shall be included in an electoral list.

270. A member of the Bahrain Defence Force, the Public Security Forces or the National Guard who wishes to exercise his right to stand for election may only do so in accordance with the relevant laws, regulations and instructions of his branch of the armed forces.

271. Article 3 of the Act No. 36 of 2006 stipulates circumstances in which persons shall be deprived of their right to vote or their right to stand for election. That article provides that:

The following persons shall be denied the right to vote:

1. A person who has been sentenced to a criminal penalty for a felony or an offence prejudicial to honour or integrity, until that person has been restored to good standing;
2. A person who has received a custodial sentence for one of the electoral offences stipulated in the present Act, unless that sentence has been suspended or the convicted person has been rehabilitated.

The following shall be denied the right to stand for election to the Chamber of Deputies:

1. A person who has been sentenced to a criminal penalty, even if he is the beneficiary of a special amnesty that extinguishes that penalty or if he is restored to good standing;
2. A person who has received a custodial sentence of more than 6 months for an intentional offence, even if he is the beneficiary of a special amnesty that extinguishes that penalty. The prohibition on voting shall remain in place for a period of ten years, beginning on the day following the date of execution of the penalty or its extinction, or from the date on which a final judgment is handed down if that judgement provides for the suspension of the penalty.

272. Bahraini legislation therefore ensures that no person shall be deprived of his right to vote or to stand for election except on the basis of a penalty prescribed by law and pursuant to a judicial ruling to that effect.

273. Article 50 of the Constitution of Bahrain provides for the independence of the municipal councils, in accordance with the law. The Municipalities Act, promulgated by Legislative Decree No. 35 of 2001, sets forth the requirements for standing for election to the municipal councils and the rights and duties of municipal council members. Legislative Decree No. 3 of 2002 on regulating the election of members of municipal councils regulates the elections and the process by which candidates can stand for election.

To exercise that right, a citizen:

- (a) Must have reached the age of 20 years on the day of the election;
- (b) Must enjoy full legal capacity;
- (c) Must have normal residency in the electoral district where he wishes to register;
- (d) Must not have been sentenced to a criminal penalty for a felony or an offence prejudicial to honour or integrity, unless that person has been restored to good standing;
- (e) Must not have received a custodial sentence for one of the electoral offences stipulated in Legislative Decree No. 3 of 2002 on the system for electing members of municipal councils, unless that sentence has been suspended or the convicted person has been rehabilitated.

274. Persons who fulfill these conditions and are citizens of Gulf Cooperation Council States with permanent residency in Bahrain or who own property or land in the country may participate in elections to appoint members of municipal councils.

275. To stand in an election to a municipal council, a candidate must:

- (a) Be a Bahraini citizen;
- (b) Be at least 30 full Gregorian years of age on the day of the election;
- (c) Read and write Arabic fluently;

(d) Enjoy all his civil and political rights. Consequently, persons who do not enjoy or have been deprived of full legal capacity are ineligible to stand for election, including persons who have been sentenced to a criminal penalty for a felony or an offence prejudicial to honour or integrity, unless they have been restored to good standing, and persons who have received a custodial sentence for an electoral offence, unless that sentence has been suspended or the convicted person has been rehabilitated;

(e) Be registered in the electoral roll for the electoral district in which he is standing for election. He must remain resident in that municipality for the entire period of his membership of the council;

(f) Have paid municipal taxes if he is legally mandated to do so and submit evidence of payment with his application to stand for election;

(g) Submit endorsements from ten voters from the electoral district in which he wishes to stand for election with his application to stand as a candidate. A voter cannot endorse more than one candidate;

(h) Submit a receipt for the payment to the municipal council treasury of 50 dinars with his application to stand as a candidate.

276. Through its adoption of legislative instruments in line with its Constitution and its relevant international obligations, including Legislative Decree No. 14 of 2002 on the exercise of political rights and Legislative Decree No. 3 of 2002 on the system for electing members of municipal councils, Bahrain has striven to safeguard the freedom of persons to exercise their right to vote and to stand for election in a manner that ensures the integrity of the elections.

277. Bahrain holds elections by direct secret ballot. In accordance with Bahraini law, citizens who are outside the Kingdom may participate in parliamentary and municipal elections through Bahraini embassies abroad.

278. In accordance with the law, the High Commission for Ensuring the Integrity of Referendums and Elections, which is chaired by the Minister of Justice, Islamic Affairs and Endowments and comprises an established quorum of judges and legal advisers, is responsible for overseeing and monitoring the electoral process. The law also provides for the formation of oversight committees comprising judges and legal advisers that ensure the integrity of elections in each electoral district, prepare voters' lists, receive candidacy requests and carry out other supervisory functions. Those subcommittees conduct polling and count votes on the day of the election.

279. The Court of Cassation is empowered under article 62 of the Constitution to consider electoral appeals.

280. Electoral districts are regulated by law. Electoral rolls must be made available for a period of 7 days and at least 45 days prior to the date of the elections. Under the law, a voter has the right to file a complaint regarding an electoral list, either because a voter's name has not been included in that list, or because an error has been made in the registration of a name; a request for a voter's name to be included in the list or for a correction to be made to that list is submitted to the High Commission for Ensuring the Integrity of Referendums and Elections. All individuals who have been prevented from registering their names in an electoral list after it has been issued have the right to request the inclusion of their names or the correction of their data.

281. The list of candidates shall be displayed at the headquarters of each electoral district for three days following the deadline for the nomination of candidates. During that period, any candidate for election to the Chamber of Deputies whose name is not included in the list of candidates in the electoral district in which he has submitted his candidacy has the right to request the High Commission for Ensuring the Integrity of Referendums and Elections to include his name in that list, or to object to the inclusion of the name of any other candidate.

282. Candidates or their representative may enter the polling station while voting is taking place. The chair of the relevant oversight committee shall distribute ballot papers at random among polling station staff. Transparent ballot boxes together with polling booths

that conform to international standards shall be used. The chair of the oversight committee shall record in the polling minutes all issues arising during the vote and all decisions that were taken. The minutes shall be signed by the chair and the secretary of the oversight committee. The entry slots in the ballot boxes shall be sealed until such time as the oversight committee begins the process to count the votes.

283. Each candidate or his representative to the oversight committee may be present during process to count the votes. The committee overseeing the counting process shall record all the particulars of that process in a vote counting report, which shall be signed by the chair and the secretary of the committee. Upon completion of the vote counting process, the ballot papers shall be placed in the ballot box, which shall then be sealed and delivered with the polling minutes, the vote counting report and all ballot papers to the High Commission for Ensuring the Integrity of Referendums and Elections.

284. The High Commission for Ensuring the Integrity of Referendums and Elections receives requests from civil society organizations wishing to monitor all stages of the election process; this includes monitoring the behavior of candidates, political associations, other civil society organizations and other voters, citizens and individuals to ensure their compliance with the laws regulating elections.

285. Measures taken to raise awareness about the electoral process:

- (a) Distributing guidelines for the conduct of elections, and a guide for voters in both Arabic and English;
- (b) Launching the electoral website www.vote.bh, which provides detailed information about the electoral process;
- (c) Developing elections apps for smartphones;
- (d) Establishing a 24-hour hotline to receive enquiries, requests, proposals and others information related to the electoral process;
- (e) Holding workshops and seminars on the electoral process.

286. The Supreme Council for Women is implementing an ongoing programme for the political empowerment of women in cooperation with the Bahrain Institute for Political Development. The programme includes an awareness-raising component, under which a series of training and awareness-raising courses are held with a view to enhancing participation in elections. The programme is designed for Bahraini society as a whole, but targets women and young people in particular.

287. Part 4 of Legislative Decree No. 14 of 2002 on the exercise of political rights prescribes penalties for electoral offences as follows: a penalty of up to 6 months imprisonment and/or a fine of up to 500 dinars shall be imposed on anyone who:

- (a) Knowingly makes a false statement in any document submitted in relation to an electoral roll, or attempts by any other means to have his name included in that roll or to remove a name from that roll, in violation of the law;
- (b) Falsifies, defaces, erases, hides, destroys, or steals an electoral roll, candidature paper, ballot paper or any other document relating to an election with a view to changing the result of that election;
- (c) Votes in an election despite being aware that he has no right to do so or, following the publication of the definitive electoral roll, casts his vote even though he no longer fulfills the conditions necessary to participate in that election;
- (d) Violates the freedom to vote in elections or electoral procedures by force, threat, disruption or participation in gatherings or demonstrations;
- (e) Exercises his right to vote more than once on the day of the election or impersonates another person;
- (f) Insults any of the committees provided for in the said legislative decree or any member of those committees while fulfilling their mandates;

(g) Disseminates or broadcast false statements about a candidate's conduct or morals in order to influence the outcome of the election. A penalty of up to one year's imprisonment and/or a fine of up to 1,000 dinars shall be imposed on any public official involved in the electoral process who perpetrates any of the aforementioned electoral offences.

288. Financial penalties imposed for the aforementioned offences may not be waived.

289. An attempt to commit one of the aforementioned electoral offences shall be punishable by the penalty prescribed for the full offence.

290. Legislative Decree No. 3 of 2002 on the system for electing members of municipal councils, as amended, stipulates that a penalty of up to 3 months imprisonment and/or a fine of up to 200 dinars shall be imposed on anyone who:

(a) Knowingly makes a false statement in any document submitted in relation to an electoral roll, or attempts by any other means to have his name included in that roll or to remove a name from that roll, in violation of the law;

(b) Falsifies, defaces, erases, hides, destroys, or steals an electoral roll, candidature paper, ballot paper or any other document relating to an election with a view to changing the election result;

(c) Violates the freedom to vote in elections or electoral procedures by force, threat, disruption or participation in gatherings or demonstrations;

(d) Exercises his right to vote more than once on the day of the election or impersonates another person;

(e) Prints or publishes any form of publicity for the purposes of electoral propaganda without printing the name and address of the printer or publisher on the first page of that publicity;

(f) Insults any of the committees provided for in the said legislative decree or any member of those committees while fulfilling their mandates;

(g) Disseminates or broadcast false statements about a candidate's conduct or morals in order to influence the outcome of the election;

(h) An attempt to commit one of the aforementioned electoral offences shall be punishable by the penalty prescribed for the full offence.

291. With the changes that have accompanied the spread of democracy in the contemporary world, most modern constitutions provide for broad-based parliamentary systems founded on the principle of the popular plebiscite, which constitutes a form of almost direct democracy. The Constitution of Bahrain has also adopted such an approach. Indeed, article 43 of the Constitution provides that, if he so wishes, His Majesty the King may conduct a popular referendum on important laws and issues related to the supreme interests of the State. The result of the referendum is binding and effective from the date it is declared, and is published in the Official Gazette.

292. Pursuant to Amiral Decree No. 8 of 2001, citizens were invited to participate in a popular referendum on a draft national action charter; the Bahraini people endorsed the Charter, with 98.4 per cent of voters in the referendum approving its adoption and a turnout of 90.3 per cent of eligible voters.

293. Total number of voters and voter turnout.

Year	Total number of voters	Men	Women	Voter turnout (%)
2002	243 635	-	-	53.5
2006	295 686	147 328	148 358	73.6
2010	318 668	161 118	157 550	67.7
2014	349 713	175 997	173 715	52.6

Candidate statistics

Municipal elections 2002

المجموع	الجنوبية	الوسطى	الشمالية	المحرق	العاصمة	النوع
33	1	9	10	9	4	إناث
284	31	69	61	76	47	ذكور
317	32	78	71	85	51	المجموع

Parliamentary elections 2002

المجموع	الجنوبية	الوسطى	الشمالية	المحرق	العاصمة	النوع
8	1	0	3	1	3	إناث
183	26	41	43	38	36	ذكور
191	27	41	46	39	39	المجموع

Municipal elections 2006

المجموع	الجنوبية	الوسطى	الشمالية	المحرق	العاصمة	النوع
5	1	0	0	4	0	إناث
166	27	37	37	33	32	ذكور
171	28	37	37	37	32	المجموع

Parliamentary elections 2006

المجموع	الجنوبية	الوسطى	الشمالية	المحرق	العاصمة	النوع
18	3	4	3	4	4	إناث
203	20	53	47	38	45	ذكور
221	23	57	50	42	49	المجموع

Municipal elections 2010

المجموع	الجنوبية	الوسطى	الشمالية	المحرق	العاصمة	النوع
3	0	0	1	2	0	إناث
181	19	43	33	51	35	ذكور
184	19	43	34	53	35	المجموع

Parliamentary elections 2010

المجموع	الجنوبية	الوسطى	الشمالية	المحرق	العاصمة	النوع
9	2	3	2	1	1	إناث
140	17	33	31	36	23	ذكور
149	19	36	33	37	24	المجموع

Municipal elections 2014

المجموع	الجنوبية	الشمالية	المحرق	النوع
13	3	4	6	إناث
143	48	45	50	ذكور
156	51	49	56	المجموع

Parliamentary elections 2014

المجموع	الجنوبية	الشمالية	المحرق	العاصمة	النوع
22	6	7	1	8	إناث
261	60	77	61	63	ذكور
283	66	84	62	71	المجموع

7. The Consultative Council

294. Bahrain has established a bicameral parliamentary system of government in which legislative power is exercised by the Chamber of Deputies and the Consultative Council, which represent all segments of society without distinction on grounds of gender, origin, religion or creed and ensure the participation of minorities in the conduct of public affairs.

295. The National Action Charter refers to the updating of the country's Constitution in order to benefit from the democratic experiences that many nations have gained from widening the scope of popular participation in the burdens of government and administration, particularly those experiences that have demonstrated that bicameral legislative systems allow nations to benefit from the wisdom and knowledge of members of a consultative council, while, at the same time, allowing them to benefit for input from the public as expressed by members of a freely and directly elected council who represent all political trends. Furthermore, in the section entitled "Legislative Power", contained in the Chapter entitled "Outlook", the National Action Charter states that the provisions of Chapter IV, section 2 of the Constitution, concerning the legislative authority shall be amended in line with democratic and constitutional developments worldwide with a view to establishing a bicameral system. The mandate of the first chamber, which shall be constituted through free and direct elections in which citizens choose their representatives, shall be to enact laws, while the second chamber shall comprise appointed members with experience and expertise who will provide advice as necessary.

296. The Constitution of the Kingdom of Bahrain sets forth provisions on the appointment of members of the Consultative Council, the length of their terms and the conditions governing membership. Pursuant to the constitutional amendments of 2012, the appointment of members of the Consultative Council must be in accordance with the procedures, rules and method prescribed by a Royal Order. The conditions governing membership of the Consultative Council have been amended: members must be Bahraini nationals. If they have acquired Bahraini nationality, they must have held that nationality for at least 10 years and must not hold the nationality of any another State, unless they hold the nationality of a member State of the Gulf Cooperation Council, in which case their original nationality must be Bahraini. They must enjoy all their civil and political rights and their names must be included in an electoral roll. They must be least 35 full Gregorian years of age on the date of their appointment to the Consultative Council and must have acquired relevant expertise or performed great services for the country.

297. Article 16 (b) of the Constitution stipulates that citizens shall have equal access to public office, without discrimination on any grounds. Bahrain's national laws affirm that right, regulate the requirements and the rights and duties of public officials and uphold the right of all citizens to apply for public posts.

298. The Civil Service Act, issued by Legislative Decree No. 48 of 2010 sets forth provisions and principles regulating public-sector employment and the conditions that must be met in order to take up a public-sector position, with a view to ensuring

non-discrimination among citizens in public-sector appointments. The Act also sets forth the rights and duties of employees and capacity building mechanisms to prepare them for high office.

299. The conditions and requirements for taking up military posts are regulated by Legislative Decree No. 3 of 1982, concerning the organization of the public security forces and the Bahrain Defence Force Act, promulgated by Legislative Decree No. 32 of 2002, which set forth the conditions for military appointments and the rights and duties of military officers.

300. Chapter IV, section 4 of the Constitution, entitled “The Judicial Authority”, establishes key principles to ensure the independence of the judiciary. The Judicial Authority Act, promulgated by Legislative Decree No. 42 of 2002, defines the conditions that must be met for appointments to the judiciary, as well as the rights, duties and the immunities of judges.

301. Royal Order No. 59 of 2014, which was amended by Legislative Decree No. 15 of xxx, establishes the regulations for the appointment of members of the Consultative Council. Article 2 of that Order stipulates that women shall be represented proportionately.

Article 26

Equality before the law and non-discrimination

302. As provided in the National Action Charter, the Constitution enshrines the principle that people are equal in human dignity.⁴⁸ The National Action Charter refers to the basic principles of society, underscoring that justice is the basis of government and that equality, the rule of law, freedom, security, peace, knowledge, social solidarity and equality of opportunity for citizens are mainstays of society and are safeguarded by the State.

303. Attention is drawn, in particular, to the following:

(a) Article 18 of the Constitution stipulates: “People are equal in respect of human dignity and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of gender, origin, language, religion or creed.”

(b) Article 5 (b) of the Constitution provides that: “The State shall ensure that women are able to reconcile their family responsibilities with their work in society and shall guarantee their equality with men in political, social, cultural and economic life without prejudice to the Islamic Sharia.”

(c) Article 1 (e) of the Constitution stipulates that citizens, both men and women, are entitled to participate in public affairs and to exercise political rights, including the right to vote and to stand for election, in accordance with this Constitution and the terms and conditions laid down by law. No citizen shall be deprived of the right to vote or to stand for election, except in accordance with the law.

304. Personal freedoms are guaranteed. Citizens are equal before the law in regard to their rights and duties, and discrimination among them on grounds of gender, origin, language, religion or creed is prohibited. Freedom of conscience is absolute.

305. Every citizen shall have the right to express his opinion orally, in writing or by any other means. Freedom of scientific research and freedom of publication, the press and printing shall be guaranteed within the limits laid down by law. The State shall guarantee the freedom to form private, scientific, cultural and professional associations and trade unions. No one shall be compelled to join or withdraw from an association or trade union.

306. Every citizen shall have the right to work and the State shall guarantee employment opportunities for citizens and fair working conditions.

⁴⁸ Articles 4 and 18.

307. The policies and legislation of Bahrain have adopted well-established principles for combating racial discrimination and affirming the values of equality, tolerance and mutual understanding among all people.

308. The Kingdom of Bahrain acceded to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 pursuant to Amiral Decree No. 8 of 1990. On 12 March 2000, Bahrain acceded to the amendment to article 8 of the Convention pursuant to Amiral Decree No. 6 of 2000.

309. Bahrain also acceded to the Convention on the Elimination of All Forms of Discrimination against Women, pursuant to Legislative Decree No. 5 of 2002.

310. In accordance with the Constitution of Bahrain, the fact that private rights and the exercise thereof are guaranteed to all without distinction on grounds of race or gender, and in light of the principle of freedom of belief, all State authorities are obliged to provide all guarantees when enforcing the law. Such safeguards are provided whenever an individual is accused of an offence; that individual is informed of the charges against him, and he has the right to make his statements freely, make use of a lawyer, and state and make his defence. Evidence that is obtained illegally is deemed inadmissible and null and void. All rights of the accused person are guaranteed by the provisions of the Code of Criminal Procedure that are contained in its chapters on investigations and trial procedures.

Article 27

Rights of minorities

311. In line with the provisions of the National Action Charter, the Constitution and relevant legislation on the protection of human rights, and in the light of Bahrain's desire to uphold its contractual obligations and international standards on combating intolerance, discrimination, incitement to violence and violence against persons on grounds of religion or belief, the Government of Bahrain is eager to provide the right climate for freedom of religion and belief, combat religious hatred and disseminate a spirit of tolerance throughout the country, and endeavours to safeguard that climate through the Constitution, as well as through national laws, regulations and enforcement mechanisms. (See paragraphs 239–240, which address article 18).

Conclusion

312. Despite the challenges it faces, Bahrain has achieved significant progress in its implementation of the International Covenant on Civil and Political Rights. Bahrain is, moreover, eager to continue to take legislative and other steps to promote respect for the civil and political rights enshrined in the Covenant and affirmed in Bahrain's National Action Charter, Constitution and legislation.

313. Bahrain is convinced that protecting and promoting human rights is an essential prerequisite for the country's comprehensive and sustainable development and the welfare and prosperity of its citizens. It is therefore taking resolute action, in accordance with its obligations in that area, to address all challenges it faces, including by:

(a) Continuing to promote awareness of all human rights and the rights and duties of the nation as an integrated whole in cooperation of educational and media authorities, all national institutions concerned with human rights and civil society;

(b) Encouraging and strengthening cooperation between the public sector, the private sector, civil society associations and individuals to promote comprehensive and sustainable development in all areas;

(c) Adopting effective measures and laws to combat extremism and radicalism in religious discourse, while also upholding all rights enshrined in the National Action Charter, the Constitution and the international instruments to which Bahrain is a party.

(d) Consolidating efforts to promote comprehensive and sustainable development and protect and promote human rights, despite the security challenges the

country faces, which have given rise to acts of terrorism and violence — acts that are addressed without prejudice to rights and freedoms;

(e) Continuing to engage with the United Nations as well as with regional and other organizations to promote international cooperation, non-interference in the internal affairs of States, and the renunciation of the use or threat of force in international relations.

314. The steps outlined above have been supported by the nature of, and the developments that have taken place within Bahrain's political system, which underscore Bahrain's eagerness to benefit from lessons learned in the political, economic and social fields and from other relevant experiences with a view to addressing ongoing challenges and building a modern state with effective political and constitutional frameworks that reflect national, regional and international practice.

315. The changes that have taken place in Bahrain's political system have been characterized by a frank and transparent engagement between the country's leadership and people, and an eagerness to build a robust framework for democracy that emphasizes respect for the rule of law and for rights and freedoms and the importance of popular participation and national unity. On 15 January 2012, when His Majesty the King House submitted proposals for constitutional amendments to the Chamber of Deputies and Consultative Council, he delivered a solemn speech to citizens in which he called for parallel but no less important steps to strengthen the culture and practice of democracy in Bahrain, and for all sectors of society to further take action to promote respect for the law — a responsibility that must be borne by all, particularly when such respect supports coexistence, tolerance, harmony and love.

316. Bahrain's balanced, moderate and credible policies are grounded in the country's determination to uphold its international obligations. That determination stems, first and foremost, from the country's national vision, its wise political leadership and its effective constitutional institutions, and is supported by a national environment in which the public and private sectors, the media and civil society can play an active role on the basis of respect for the rule of law and democracy and the promotion of national security, peace and development.

317. Bahrain looks forward to learning from its constructive dialogue with the Human Rights Committee and to working with the Committee to achieve our shared goal of promoting universal respect for human rights.

Attachments

Attachment A: Letter dated 28 April 2011 from the Permanent Representative of the Kingdom of Bahrain to the United Nations addressed to the Secretary-General of the United Nations regarding the State of National Safety.

Attachment B: Letter dated 13 June 2011 from the Permanent Representative of the Kingdom of Bahrain to the United Nations addressed to the Secretary-General of the United Nations regarding the State of National Safety.

References

1. Constitution of the Kingdom of Bahrain, available at: <http://www.legalaffairs.gov.bh/102.aspx?cms=iQRpheuphYtJ6pyXUGiNqq6h9qKLgVAb>
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7. 2015 Index of Economic Freedom, the Heritage Foundation, available at: http://thf_media.s3.amazonaws.com/2014/pdf/SR161.pdf
8. Code of Criminal Procedure, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/L4602.pdf>
9. Criminal Code, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/L1576.pdf>
10. Judicial Authority Act, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/L2613.pdf>
11. Code of Civil and Commercial Procedure, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/L1271.pdf>
12. Child Act (Juveniles Act of 1976, as amended), available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K3712.pdf>
13. Court of Cassation Act of 1989, available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/K4714.pdf>
14. Regulation of the Press, Printing and Publishing Act (Act No. 47 of 2002), available at: <http://www.legalaffairs.gov.bh/Media/LegalPDF/L4702.pdf>
15. Brochure entitled: *Supreme Council for Women*, (2001–2016)

Annex A

Lettre datée du 28 avril 2011, adressée au Secrétaire général par le Représentant permanent de Bahreïn auprès de l'Organisation des Nations Unies, concernant l'état de salut public

(IV.4)

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Reference: C.N.261.2011.TREATIES-5 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

BAHRAIN: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 28 April 2011.

Original: English

"28 April 2011

Excellency,

By Royal Decree No. 18 of 2011, and in accordance with Article 36 (b) of the Constitution, the Kingdom of Bahrain declared a State of National Safety on 15 March 2011, for a period of three months.

In the preceding days and weeks, protestors had occupied key locations in the Kingdom (including its main hospital) and, encouraged and supported by certain external countries and groups, had sought to undermine the country's economic and social life. Further, violent and sometimes deadly attacks were reported against both citizens and expatriates as the protestors sought to create a climate of fear in the country, to undermine its security, and to usurp the legitimate authority of the state.

Throughout, the Government pursued a policy of restraint, and sought a genuine and good faith dialogue with all parties to resolve all issues. Only when it became clear that there was no willingness to engage in dialogue on the part of protestors was the State of National Safety declared, in order to address and overcome the threat to the security, economy and society of Bahrain and its people. In the face of an escalating campaign of disruption, violence and intimidation, the Government was left with no option but to act.

Accordingly, I hereby inform you that with effect from the declaration of the State of National Safety, and for the reasons set out above, the Kingdom of Bahrain has invoked its right under Article 4 of the International Covenant on Civil and Political Rights, 1996, to take measures derogating from certain provisions of the said Covenant. These measures are set out in the enclosed Announcements from the Bahrain Defence Force General Command under the State of National Safety, and derogations are accordingly made from Articles 9, 12, 13, 17, 19, 21, and 22 of the Covenant.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

In enacting and implementing the above measures, the Kingdom of Bahrain wishes to give the assurance that the derogation from the said Articles is strictly to the extent required by exigencies of the situation, and that the Government will at all times seek to the fullest extent possible to abide by the spirit and intent of the Covenant.

Enclosed are copies of the relevant provisions of the Constitution of the Kingdom of Bahrain, Royal Decree No. 18 of 2011, and the Orders of the BDF Council referred to above.

I confirm that the Kingdom of Bahrain will notify you of the date on which such derogation has been terminated, and that any further measures requiring additional derogation from the provisions of the Covenant will also be notified to you.

(Signed) Tawfeeq Ahmed Almansoor
Permanent Representative”

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depository notifications are issued in electronic format only. Depository notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depository Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depository notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

(Courtesy translation) (Original: Arabic)

Royal Decree No. (18) for the year 2011 to declare a State of National Safety

We, Hamad Bin Issa Al-Khalifa King of the Kingdom of Bahrain.

After perusal of article (36/b) of the Constitution;

In light of events in the Kingdom of Bahrain, and to ensure the safety of the homeland and its citizens, and to contain the situation and protect public and private property;

Upon the decision of the Supreme Defence Council;

After Cabinet approval;

Have decreed the following:

Article 1

Declare a State of National Safety throughout the Kingdom of Bahrain as of the date of this Decree for a period of three months.

Article 2

The Commander-in-Chief of the Bahrain Defence Force is authorized to take necessary measures and procedures to maintain the integrity of the Kingdom and its citizens.

Article 3

The commands issued by the authority in charge of implementing the provisions of this Decree are to be executed by the Bahrain Defence Force, Public Security Forces, National Guard and any other force if necessary.

Each public employee shall provide any requested assistance within his/her competence.

Article 4

Entrusted to the authority in charge is the full implementation of the provisions of this Decree through necessary measures and procedures in order to maintain the integrity of the country aimed at ensuring public safety of individuals with full respect for their rights and to quickly secure control of the scene of any situation.

The authority exercises its powers through written orders, and my delegate certain powers to whom it deems necessary under specified conditions and constraints.

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Article 5

The authority responsible for implementing the provisions of this Decree, shall take all or some of the following measures:

1. Evacuate some areas or isolate them, to maintain security and public order and citizen's safety.
2. Regulate public meetings and banned gatherings if feared they are deemed a threat to public order or national security.
3. Regulate transport and traffic on roads and curfews in certain areas and times or travel abroad whenever these are for the benefit of the citizens.
4. Controls access to or exit from certain areas for a temporary duration whenever it is in the public's interest.
5. Organize opening and closing times for shops and public places as required for public interest.
6. Search persons and places upon suspicion of breach of the provisions of this Decree or the decisions or orders issued by the authority responsible for its implementation.
7. If an alien is deemed a threat to public security and safety of citizens, he/she may be deported or prohibited from entering the Kingdom.
8. If there are signs that an association or club or individuals operating in such a way that disturbs public order, or individuals found to be working for a foreign State, or those who spread dissension among citizens to evoke sedition and rebellion in the Kingdom, their activity might be suspended.
9. If it appears that some of the printed, audio or visual media or informational networks would prejudice national security or undermine constitutional, social and economic systems in the Kingdom, it may be seized and have its publication or broadcast terminated.
10. Regulate means of transport by land, sea and air which can be utilized temporarily, providing fair compensation to those affected.
11. Arrest of suspects and persons dangerous to the safety of citizens.
12. Forfeiture of the Bahraini nationality from those whose their presence is deemed to be a risk to national security and public order and to expel them from the country or hold them in detention.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

Article 6

Without prejudice to any heavier penalty provided in the Penal Code or any other law, the violation of the orders of the authority in charge of implementing the provisions of this Decree, is punishable by imprisonment and fine or either.

Article 7

The Courts established under this Decree shall review the crimes that led to the declaration of a State of National Safety and the crimes committed contrary to orders and decisions issued by the authority in charge of the implementation of safety procedures of national and related crimes, as well as any other crimes that the authority decides to transmit to it. The military prosecutor will be in charge of the investigation and proceedings before these courts.

Article 8

The Primary Court of the National Safety will consist of three judges appointed by a decision of the authority in charge of the implementation of national safety procedures.

Article 9

The Appeals Court of the National Safety will consist of three judges appointed by a decision of the authority in charge of the implementation of national safety procedures.

Article 10

Investigation procedures, the gathering evidence, prosecution before the courts of national safety, method of the trial procedures, methods of informing, and where and how the court provisions are implemented, shall follow the provisions stipulated by the Criminal Procedure Act No. (46) for the year 2002 and other laws, without prejudice to the provisions of this Decree.

Article 11

The final judgment issued by the Courts of National Safety can not be challenged.

Article 12

The Authority in charge of the implementation of national safety measures may save the claims prior to submission to the courts, it may also order the provisional release of accused persons arrested prior to referring them to trial.

Article 13

When a decree lifting the state of national safety is issued, the national safety courts shall maintain its jurisdiction over cases brought before the promulgation of said decree and in accordance with the established procedures.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depository notifications are issued in electronic format only. Depository notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depository Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depository notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

Ordinary courts will then be utilized to hear any cases that were not raised before the courts of the National Safety prior to lifting the state of national safety, and will follow established procedures.

Article 14

Decides to confiscate funds and the means by which crimes were committed as well as the crime or gains received from committing these crimes. The authority in charge of implementing the provisions of this Decree may return the confiscated items or part thereof.

Article 15

Any legislation or provision inconsistent with the provision of this Decree and orders issued pursuant thereto, does not apply during the period of validity of the state of national safety.

Article 16

The Prime Minister, Commander in Chief of Bahrain Defence Force, Chief of National Guard and respective ministers shall implement the provisions of this Decree from the date of its issuance.

King of the Kingdom of Bahrain
Hamad bin Isa Al Khalifa

Prime Minister
Khalifa bin Salman al Khalifa

Issued at Riffa Palace
10th Rabea Alawal 1432 H
15th March 2011

23 May 2011



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depository notifications are issued in electronic format only. Depository notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depository Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depository notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

Annex B

Lettre datée du 13 juin 2011, adressée au Secrétaire général par le Représentant permanent de Bahreïn auprès de l'Organisation des Nations Unies, concernant l'état de salut public

*Permanent Mission
of the Kingdom of Bahrain
to the United Nations
New York*



البعثة الدبلوماسية لملكة البحرين
لدى الأمم المتحدة
نيويورك

Excellency ,

13 June 2011

I refer to my letter of 28 April, 2011, giving notification that the Kingdom of Bahrain had exercised its right under Article 4 of the International Covenant on Civil and Political Rights, 1966, to take measures derogating from certain provisions of the said Covenant, pursuant to the declaration of a State of National Safety by Royal Decree No. 18 of 2011. A copy of that letter is enclosed herewith.

In this regard, I hereby inform you that by Royal Decree No. 39 of 2011 (a copy of which is enclosed), the State of National Safety was lifted with effect from 1 June, 2011, and that accordingly the aforementioned derogations from the Covenant terminated from the same date. In line with Article 4(3) of the Covenant, I would appreciate it if you could communicate this notification to other States Parties.

I also want to make clear that the State of National Safety was declared only once my Government had no other option in order to maintain the cohesion, peace and security of the nation and its people.

In terminating the aforementioned derogations, my Government wants to underline its commitment to the letter and spirit of the Covenant, and to express its hope that all stakeholders will work constructively to create conditions conducive to a genuine and constructive national dialogue. My Government greatly welcomes your continued support for this process, as a positive encouragement to all parties to engage positively and actively in dialogue.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely,

Tawfeeq Ahmed Almansoor
Ambassador
Permanent Representative

H.E. Mr. Ban Ki-moon
Secretary General of the United Nations
New York

866 Second Avenue, 14th Floor, New York, NY 10017

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PAGE 01/01

المملكة البحرين



قصر الولاية

مرسوم ملكي رقم (٣٩) لسنة ٢٠١١
برفع حالة السلامة الوطنية

نحن حمد بن عيسى آل خليفة ملك مملكة البحرين.
بعد الاطلاع على الدستور وبوجه خاص المادة (٣٦/ب) منه،
وعلى المرسوم الملكي رقم (١٨) لسنة ٢٠١١ بشأن حالة السلامة الوطنية،
وعلى التقارير المرفوعة من السلطة تكلفة بتتفيذ أحكام المرسوم بقانون رقم (١٨) لسنة ٢٠١١
المشار إليه،
وبناء على قرار مجلس الدفاع الأسمى،
وبعد موافقة مجلس الوزراء،

رسمنا بالآتي

مادة (١)

تُرفع حالة السلامة الوطنية في جميع أنحاء مملكة البحرين اعتباراً من أول يونيو ٢٠١١.

مادة (٢)

على رئيس مجلس الوزراء وللقائد العام للقوة الدفاع البحرية ورئيس الحرس الوطني والوزراء - كل
فيما يخصه - تنفيذ أحكام هذا المرسوم، ويعمل به من تاريخ صدوره، وينشر في الجريدة
الرسمية.

ملك مملكة البحرين
حمد بن عيسى آل خليفة

رئيس مجلس الوزراء
خليفة بن سلمان آل خليفة

صدر في قصر الولاية:

بتاريخ ٥ جمادى الآخرة ١٤٣٢ هـ
الموافق ٨ مايو ٢٠١١ م